

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
JULY 5, 2016 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Jennifer Berthiaume
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Don Reilly
Councilmember

Bill Shipp
Interim City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on July 5, 2016 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLIGANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Proclamation declaring July, 2016 as Park and Recreation Month.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or approve the June 21, 2016 Regular Council meeting minutes.
- B. Consider and/or approve the June 23, 2016 Special Council work session meeting minutes.
- C. Consider and/or approve the June 28, 2016 Special Council meeting and work session meeting minutes.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or approve the Community Grant Application from the Murphy Middle School Environmental Club.
- B. Consider and/or approve adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.
- C. Consider and/or approve the presentation of the Charter Review Commission recommendations.

8. CITY MANAGER/STAFF REPORTS

- A. Radio Systems
- B. Zoning Issues
- C. Food Truck Court
- D. Sidewalk Rehabilitation Program
- E. South Maxwell Creek Sewer Line
- F. North Murphy Road
- G. Betsy Lane
- H. Timber Reserve
- I. Safe Routes to School

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the MCDC Board Member and City Manager.
- B. §551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. §551.087 Deliberation regarding Economic Development Negotiations and projects.

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the MCDC Board Member and City Manager.
- B. §551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.

- C. §551.087 Deliberation regarding Economic Development Negotiations and projects.
- D. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on July 1, 2016 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Charter Review Commission, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

Proclamation

City of Murphy, Texas

Designation of July as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including Murphy; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS Murphy recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY Murphy City Council that July is recognized as Park and Recreation Month in the City of Murphy.

Eric Barna, Mayor
City of Murphy

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 21, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Pro Tem Bradley called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLIGANCE

Mayor Pro Tem Bradley gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent:

Mayor Eric Barna

4. PUBLIC COMMENTS

Bob Mortonson, resident, brought to the Council's attention that in one of the Planning and Zoning minutes, a commissioner abstained and Mr. Mortonson requested the minutes be changed to reflect a negative vote. Mr. Mortonson read through the Home Rule Charter, which states that any person on the Commission choosing to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote. Mayor Pro Tem Bradley agreed and stated that is correct for Council as well.

Marv Williams, resident personally wanted to thank Councilmembers Spraggins, Reilly and Berthiaume and Interim City Manager, Bill Shipp for attending the 10th anniversary lunch, providing very good representation from the City of Murphy. The Exchange Club of Murphy has been featured in the national magazine "**Exchange Today**". The article highlights the club's visibility in the community which is in thanks to its relationship with the City of Murphy and Murphy Chamber of Commerce. A testament to this partnership is the club's annual participation at the city's Maize Days outdoor vendor fair. Each fall, members post American flags to help draw attention to the event, and in return, city officials speak at least three times each year at the club's bi-monthly meetings. Additionally, members provide free breakfast for Murphy First Responders on September 11 and every December; participate with a booth at the Murphy Christmas Tree Lighting Ceremony and parade. Also the club organized local children to write and color Christmas cards for military personnel, and then mailed all 176 cards to troops at a veteran's hospital in Bonham, TX. Another event in which the club participates is "Keep Murphy Beautiful". The Exchange Club of Murphy will be featured in the July issue of In & Around Lifestyle and Home Magazine.

5. PRESENTATIONS

A. Presentation of financial report and investment report as of May 31, 2016.

Interim Finance Director Steven Ventura explained the investment report is slightly down for the month of May. The interest rate has slightly decreased to 0.32% for May. The General Fund/MDD/CDC reflects the city has collected 9% more in sales tax dollars than this time last year. Revenues are at 82.53%; permits and licensing is higher due to the hailstorm damage with new contractor registrations, permits and fence fees. Expenditures should be at 66% of the budget; however, being on target will be dependent on where the departments are and what purchases and vacancies they may have. Currently, expenditures are at 58.68% as of May 2016. Revenues for the Utility Fund are tracking at about 64%, but will be dependent on engineering inspections and meter fees.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act on the June 7, 2016 Regular Council meeting minutes.
- B. Consider and/or act on the June 14, 2016 Special Council work session meeting minutes.
- C. Consider and/or act on the June 16, 2016 Special Council meeting minutes.

COUNCIL ACTION (6.A. through 6.C.):

APPROVED

Deputy Mayor Pro Tem Owais Siddiqui moved to approve the consent agenda items 6.A. through 6.C. as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- D. Consider and/or act upon authorizing the city manager to sign an Inter Local Agreement (ILA) with FireRescue GPO / Public Procurement Authority for cooperative purchasing of various goods and services.

This item was pulled at the request of Councilmember Reilly. Councilmember Reilly requested a more thorough explanation be explained for the record of item 6.D.

Chief Mark Lee explained that FireRescue GPO is a program of NPPGov, a national cooperative purchasing organization, serving government and non-profit organizations. NPPGov uses a lead public agency to solicit and award contracts through a public Request for Proposal process. "Piggybacking" language is inserted into the RFP and resulting contract, allowing members to utilize these contracts for public procurement purchases. Member benefits include access to publicly solicited contracts at no cost to members, and no purchasing obligations. The vendor burdens the cost and pays FireRescue GPO a small administrative fee to be allowed into their process. The City is seeking to see if we could "piggyback" to an existing contract.

Bob Mortonson, resident, had requested to comment on item 6.D.; he has a general mistrust of a number of businesses that are in the Northwest. He understands that the presentation tonight is similar to a government service agency for military programs where they get buying power of all the general contracts. His concern is, regarding any hidden hooks that may be imposed by Oregon State law or Washington State law. He requested that Council have cancellation clauses in the agreement. Things are not always as represented in the Northwest and he learned a lesson having been there for 15 years before coming to Murphy. “We had a lot of problems with buyers playing all sorts of games when I was at Boeing and they all sanction under local laws. Really caution, make sure our attorneys look into the back end of this, and make sure it is a proper agreement. It may be, as I said the concept I totally agree with and make sure we are not getting hoodwinked into something....”

The vendor for Fire Station Alerting, asked us to see if they were a member of any cooperative purchase agreements that would allow us to “piggyback” off an existing contract. Their recommendation was FireRescueGPO has the most favorable pricing so the membership into this agreement allows us, by signing the Inter Local Agreement (ILA), to purchase under this agreement. He addressed the resident who voiced some concerns about Virginia Medical Center losing their accreditation, by stating that the contract would not be associated with Virginia Medical Center in any shape, form or fashion. The association is with the vendor, and the city signs a contract with the vendor pays the vendor directly, and the vendor is associated with FireRescue GPO.

Council stated that by participating in this program, we have the benefit for a larger share of purchases, and Chief Lee agreed.

Council inquired on the state regulatory laws or authorities over this agreement. Chief Lee stated that the Texas State Law does allow Inter Local Agreement (ILA) amongst governmental entities for the purposes of purchasing good and services.

Council inquired to the length of membership of participation into the FireRescue GPO program and if we will maintain our memberships with other Inter Local Agreements (ILA) that we currently have in place. Chief Lee stated that we would become a member with this particular Inter Local Agreement (ILA), which are bid for 3 years with an automatic renewing of one year times three, a six year total agreement. The agreement that we are purchasing from was signed in February 2014 and we are actually near the end of the third year of the original agreement, with three one year renewal agreements left. The City will be first time members with FireRescue GPO. We would definitely maintain our other Inter Local Agreements (ILA) memberships. FireRescue GPO is just an additional national resource.

COUNCIL ACTION (6.D.):

APPROVED

Councilmember Reilly moved to approve authorizing the city manager to sign an Inter Local Agreement (ILA) with FireRescue GPO / Public Procurement Authority for cooperative purchasing of various goods and services. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act the application of the COP/VIPS for consideration of Community Grant fund award.

Chief Cotten presented the item on behalf of Glenda Cottle, Volunteer Coordinator who was unable to attend. Each year, \$1,500 for uniforms is budgeted but with 21 volunteers the money does not go very far. The \$2,500 grant would help the COP/VIPS program to participate in more schools and buy needed equipment as well as attend additional training or conferences. At the conferences they learn how other agencies are working with their volunteer program and possibly expand on what we have them do within the program. The COP/VIPS has a total of 21 volunteers and average 300 volunteer hours every month. The volunteers participate in such events as Maize Days, Movies in the Park and sometimes their work is very visible but there is a lot of behind the scenes work that they handle as well.

Council shared other important notable points of the COP/VIPS program. Most of the equipment that the volunteers use is a hand-me-down or they purchase their own equipment with personal funds. Training is vital as anyone of the volunteers can be called to respond to any call so consistency in training is important. Another point Council made is that the volunteers watch homes while citizens are away on vacation which gives citizens peace of mind. Council complimented the police department for utilizing the volunteers well and appreciated all of their hard work at all events.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Berthiaume moved to approve the application of the COP/VIPS for the Community Grant fund award. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- B. Hold a public hearing and consider and/or act on the application of James Permenter to change current zoning of SF-20 (Single Family Residential-20) to Neighborhood Services (Non Residential Zoning District, low intensity retail and service facilities) of property located on 1.9589 acres, having the legal description of Abstract A0588, C A McMillan Survey, Tract 16.

Interim Director Economic and Community Development Lee Elliott presented to the Council a rezoning application that was presented to the Planning and Zoning Commission on May 23rd and approved with a 5-1 yes vote. The location is 1000 N. Murphy Road and approximately 2 acres. The property is currently zoned as Single Family 20, a residential zoning. The proposed change is to Neighborhood Services. When a zoning change is presented, it is best to refer to the future land use proposed in the comprehensive plan. The comprehensive plan is in compliance with the recommendation that was presented and staff would recommend approval of the zoning change.

Council inquired if all property owners within the 200 feet notification radius had been notified of the proposed zoning change. Lee Elliott stated that all homeowners were notified and staff had not received any public input from those notified. Council commented that the 200 feet notification radius seems inadequate to notify home owners. In order for the notification radius to be changed, Staff would need to modify the ordinance. Council commented that they are not changing policy at this meeting but would like to discuss the notification process for outgoing and also a notification for

being returned that is placed within the record. Sending communication out to the community is a different conversation. Council requested that this item be presented to Council for a future agenda discussion. Mr. Shipp recommended that the discussion go before Planning and Zoning first.

Council inquired the property is east of Murphy Road and south of Betsy Lane, three homes plus a horse farm. The second property, 1000 North Murphy Road is asking for the change in zoning. The other properties will remain SF20, including the horse farm.

Lee Elliott stated that currently there are no development plans for the property.

Council commented that the entire property from Betsy Lane to McMillan is currently zoned as SF20. If limited retail use is to be authorized, then Council would rather look at all three properties together. Even if the zoning is changed for this property, Nothing can be built on the property due to setback requirements of 100 feet from a residence.

Lee Elliott commented that it is difficult to force all three landowners to be involved at one time but the future land use is the guide for rezoning applications.

Jim Permenter resident addressed the Council that the property would bring in more money if it is for sale. He was not aware of the 100 feet setback for residential.

Mary Pat Elledge, resident and Murphy Keller Williams realtor addressed the Council that the process for rezoning that area needs to begin. It could be another 5 more years to begin the process if it is not follow-up now. The cost of the rezoning process could be part of the reason that other homeowners have not proceeded with rezoning their properties. The Permenter's have spent a lot of money on the process.

Mayor Pro Tem Bradley open the Public Hearing 6:58pm.

Keith Patton, resident, is in agreement with Council. Have a bigger prospect to develop unilateral instead of pieces.

Don Kiertscher, resident, commented that if you tie this to property to the north, which means that the existing owner who came here tonight that his fortune is really tied to someone he has nothing to do with. His concern, that we may be locking someone in for 5 to 10 years that they may not get the benefit of a piece of property that they have owned.

Jim Smith, resident, commented that they will be approaching Council soon with a similar type of property on FM 544. The plans are presented, he fits into those plans, and his request should be approved.

Mary Pat Elledge, resident, and Murphy Keller Williams realtor commented that this project has been a 5 to 6 year plan; her clients are ready to retire, get into a home that they can manage physically. She agrees Mr. Permenter put in a lot of money, but he doesn't resent that. He went by the book and we all did what we were told to do to present tonight.

Council inquired if the client might be better off marketing as a cohesive unit or if Council should just move forward with the approval? Mary Pat Elledge responded that Council should move forward for this family. If the city wants to pursue the other two lots, they can.

Council inquired how long had the property been marketed? Mary Pat responded a year and have received no offers.

The Public Hearing closed at 7:07pm.

COUNCIL ACTION (7.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the application of James Permenter to change current zoning of SF-20 (Single Family Residential-20) to Neighborhood Services (Non Residential Zoning District, low intensity retail and service facilities) of property located on 1.9589 acres, having the legal description of Abstract A0588, C A McMillan Survey, Tract 16. Councilmember Fincanon seconded the motion. For: Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmembers: Berthiaume, Spraggins, and Fincanon. Against: Councilmember Reilly. The motion carried by a vote of 5-1 (Mayor Barna was absent).

C. Consider and/or act to approve a resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

Mark Brown with the North Central Texas Central Government addressed the Council regarding their questions from a previous City Council Meeting.

1. How would the money-share work after we create the district? *All of the money collected has to be spent on 911 services, which is done by state legislation.*
2. Percentage of what goes to overhead? *Historically the percentage to overhead would be 4.5% to 5%. The amount will change a little as more revenue is collected. The district board can set a cap if they choose and the state puts a cap of 10%.*
3. How the mechanics of new Board will come about? *Once all of the 149 resolutions are signed, a meeting will be held. All of the representatives from those entities that show up at that meeting will constitute as an interim board. At that time, the interim board will determine what the make-up of the actual board will be. State does require that 2/3's are elected officials.*

Update – 26 entities had approved the resolution when it was presented before and as of today 47 out of 149 have approved it. Approval has to be unanimous.

COUNCIL ACTION (7.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Resolution No. 16-R-832 authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

8. CITY MANAGER / STAFF REPORTS

A. Radio Systems presented by Chief Lee

The project began on May 2 replacing all of the radio equipment and dispatch items. Current status on the NCTCOG Tower is scheduled for a July 20 delivery and mid-August completion date. The Alcatel Nokia equipment PO has been issued and construction has begun. The dispatch consoles received final pricing on Sunday and reviewing those documents currently anticipation of preparing the PO for issue on Friday. Network recorder is a redundant piece; we are looking to partner with Wylie, Allen and Plano to expand the capabilities with the equipment we will be purchasing, the PO is on hold for now. All field radio's PO has been issued, mobile radios will be delivered Mid-July. Handheld radio and portable radios that will be shipped after August will be Wi-Fi enabled for programming, prior to August would not be enabled. The Wi-Fi upgrade is a local representative from Motorola who will absorb the cost since we are moving forward quickly. They will hold our handhelds until November or December delivery date as they will come equipped with Wi-Fi. Dispatch room finalizing the remodel expenses and have a February 28th completion date.

B. Food Truck Court

Going very well, concrete is poured on Food Truck court area itself and pathways. Initial pour on the north parking lot has begun as well. Water line has been pressure tested and complete. In the area of the food truck court, finishing out the mulch and the electricity should be completed at the end of the month. The complete project should be completed before Maize Days.

C. South Maxwell Creek Sewer Line

The contractor's schedule is scheduled to be complete early to mid-October. The contract actually expires on July 23rd and they will be in liquidated damages. We received a new schedule about a month ago; they are behind on that schedule now. In their defense they are recovering from flooding and additional work. They have a new crew with a new superintendent onsite and they are making progress. They are at the southeast corner at Mr. Betz's property, about 450 feet from FM 544. Daily visits to the site are still being conducted.

D. Betsy Lane

The contractor set the pedestals; Farmers Electric and Oncor Electric are working to connect power to the pedestals. They have hydro-mulch and hopefully will be watering with their water truck. Project is moving forward.

E. North Murphy Road

TxDOT has finalized a list of the reimbursement amounts for the HOA's and we should be receiving that letter soon, once we receive we will meet with the HOA's and determine how to distribute the reimbursement amount.

F. Sidewalk Rehabilitation Program

A map of Murphy identifying a priority numbering sequence was presented. The sequence is determined by the condition of the sidewalks. The worst area is The Timbers but the City determined to begin work first in Glen Ridge Estates as there is other driveway work being completed there. It is more cost effective.

Council requested that the Timbers Nature Preserve update be added to a future agenda.

Council inquired about the repairs on the wayside railroad horns at North Murphy Road. They have been repaired.

Council requested to have the gap on the sidewalk issue over by North Maxwell Creek Road near the railroad be repaired.

G. Upcoming events:

- Sounds at Sundown (7pm (band starts at 8 pm until 10 pm) – June 24 – Memphis Soul
- Sounds at Sundown (7pm (band starts at 8 pm until 10 pm) – Grand Finale July 1 – Emerald City Band (no fireworks, just an electronic pyrotechnics show)

Mr. Shipp announced that the City Manager from Parker informed him that Southfork Ranch will be having their Fireworks display on Saturday, June 25.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:36 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:56 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

- B. Take Action on any Executive Session Items.

COUNCIL ACTION (10.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to authorize Mayor Barna and Mayor Pro Tem Bradley to negotiate an employment contract with a City Manager candidate. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

11. ADJOURNMENT

With no further business, the Council meeting adjourned at 8:57 pm.

APPROVED BY:

ATTEST:

Eric Barna, Mayor

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL WORK SESSION MEETING
JUNE 23, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:03 pm.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Scott Bradley (arrived at 6:06 pm)
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

3. PUBLIC COMMENTS

No one signed up to speak during Public Comments.

4. INDIVIDUAL CONSIDERATION

A. Discussion on the FY2017 Annual Budget.

Interim City Manager Bill Shipp gave an overview of the General Operating Fund items discussed at the June 16, 2016 meeting. Support Services Manager, Kim Parker explained the Smart 9-1-1 in more detail. Council asked several more questions regarding if the company has any competition. They asked if there is any information available of its success in cities currently using the system. And if the project could become part of the soon to be created Regional 9-1-1 District. Consensus was reached to wait one more year on the project.

Bernie Parker gave a PowerPoint presentation regarding his department's projected needs. He discussed the mowing contract. Council stated that they would like for the City's medians to look like Renner Road's medians in Richardson. Discussion regarding Heritage Parkway and the use of pavers at the intersection continued with Council appearing to not be interested in this being a part of a RFP Committee discussion. Items presented for discussion in the 2016-2017 budget include a Vac-Con Combination Sewer Cleaner Truck, a Camera Equipped Service Trailer and a 2016 Variable Message Board. Several questions were asked as to the usefulness of these items and if they could be leased or rented instead of purchased. Maintenance costs were also questioned.

Wendle Medford discussed needed updates to the Audio/Visual (AV) equipment in the Council Chambers. He explained that the current equipment is eleven years old. They requested a demonstration be conducted to see some of the upgrades proposed in action.

The Utility Fund was discussed at length with several questions about the pass-through rate increases being a priority. A presentation from NewGen, the company who prepared the City's water and sewer rate study was requested. Questions about separating the pass-through

portion of the North Texas Municipal Water District (NTMWD) increases being reflected on the water bill were asked. The Council would like for it to be separated so that citizens can see that the water and sewer rate increases is money collected but not kept by Murphy but is passed on to be used for upgrades to the NTMWD by the contract between NTMWD and Murphy. A Stormwater Improvements Study to be completed by the City's Engineers was discussed along with the question about the costs for that study.

5. ADJOURNMENT

With no further business, the Council meeting adjourned at 7:38 pm.

APPROVED BY:

ATTEST:

Eric Barna, Mayor

Susie Quinn, City Secretary

**CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
AND WORK SESSION MEETING
JUNE 28, 2016 AT 6:00 PM**

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:00 pm.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

3. PUBLIC COMMENTS

No one signed up to speak during Public Comments.

4. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:01 pm to discuss the following:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

5. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 6:20 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.
- B. Take Action on any Executive Session Items.

No action was taken following Executive Session.

6. ADJOURN SPECIAL MEETING

With no further business, the Council special meeting adjourned at 6:20 pm.

7. CONVENE TO THE COMMUNITY ROOM – OPEN SPECIAL WORK SESSION

Mayor Barna opened the special work session at 6:24 pm.

- A. Discussion on the FY2017 Annual Budget.

Interim City Manager Bill Shipp discussed the Utility Fund with Council. A PowerPoint presentation was presented to Council. The largest increases to the Utility Fund budget are due to pass through costs from the North Texas Municipal Water District (NTMWD). Water and sewer rates were discussed at length and Chris Ekrut, Director of Environmental Practice from NewGen Strategies & Solutions was introduced. He explained that the NTMWD formulas are different for water and wastewater because of several reasons. Wastewater is a service and water is a commodity. The sanitary sewer overflow (SSO) may also be a factor. One issue may be linked with maintenance of the wastewater pipes in Murphy which affect Infiltration and Inflow (I & I). Questions were asked regarding I & I and a request was made to bring someone from NTMWD to explain the various increases and the formulas used to calculate such. Other questions regarding what types of reports are received from NTMWD were asked. Mr. Ekrut stated that other wholesale water groups are charging much more than NTMWD to their customers. The increase on the water bill amounts to about six percent (6%) based on an average water bill.

Reserves in the Utility Fund are very important when Fitch Rating Agency rates utilities for debt issuance. A weak reserve is 25% for cash reserves. A strong reserve is 100% or a year's worth of cash reserves. The impact to the customers is a policy decision when building those reserves. It is recommended that we do not lower our current 35% reserve. Many cities used their reserves when the drought occurred. Catastrophic events also can effect depletion of reserves.

Capital items were discussed next and the VacTron truck was discussed and more information was shared regarding the annual maintenance on purchasing a new truck. The camera trailer combo was discussed to be moved to the 2018 budget to be more in line with the SSO project. The AV (Audio/Video) upgrade in the Council Chambers is to replace equipment which is at least eleven years old. Functionality will also be improved with the upgrades, as well as changing from an analog system to a digital system which is more efficient. The Skype quality will be greatly improved. The Kramer's Via Collage Wireless system was discussed and Council was reminded about the upcoming demonstrations in July.

The water rates cannot break out the actual costs on the water bill between the city's rates and the NTMWD rates but a graphic box depicting the actual rates can be shown on the water bill in the special message box. Council like the appearance of the box and agrees it will be a useful communication tool.

8. ADJOURN SPECIAL WORK SESSION

With no further business, the Council work session meeting adjourned at 7:09 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council
July 5, 2016

Issue

Consider and/or approve the application of the Murphy Middle School Environmental Club for consideration of Community Grant fund award.

Staff Resource/Department

Acting Director of Economic and Community Development, Tina Stelnicki

Summary

This item was approved by the Murphy Community Development Corporation, June 20, 2016.

The Murphy Middle School Environmental Club is seeking \$2200.00 to fund the design, construction of a modular and mobile experiment and test unit. This unit will be utilized for the following topics: Alternative energy services, plants/garden, soil, water and the atmosphere.

The environmental club members would like to teach people of all ages the importance of conservation of natural resources as well as gardening with worm castings along with landscaping with native plants. The club has access to resources such as the grass area next to school for soil beds and city owned land covered by trees across the driveway. In order to better utilize these assets for the education benefits of local school students and community residents, some basic and high technology tools are needed.

Financial Consideration

The Murphy Middle School Environmental Club is seeking \$2200.00 to fund the design, construction of a modular and mobile experiment and test unit.

Recommendation

This item was approved by the Murphy Community Development Corporation, June 20, 2016 by a vote of 4-0 (three board members were absent from this meeting). This grant application is now brought to City Council for their approval of grant disbursement.

With the approval of the MCDC board, we recommend approval of the application of the Murphy Middle School Environmental Club for an MCDC Community Grant fund award as presented.

Attachments

- MCDC Community Grant Application



Murphy Community Development Corporation
 Community *Enhancement* Grant Program
 Application - 2016

Community Development • City of Murphy Texas
 206 North Murphy Road, Murphy, Texas 75094
 972-468-4014 • www.murphytx.org

Note: Please clearly identify any information you deem to be confidential or proprietary. The City will attempt to protect any information marked confidential or proprietary and will notify the applicant of any requests for disclosure.

Applicant Information

Applicant Full Name: Tina Pilgrim
 Applicant Organization Name: Murphy Middle School Environmental Club
 Company's Representative(s): _____
 Mailing Address: 620 North Murphy Road Murphy, Tx 75094
 Phone Number: 469-752-7063 Cell: 972-824-3922
 Email Address: tina.pilgrim@pisd.edu - tina.pilgrim.tp@gmail.com
 Website: _____

Project Information

Project Address/ 620 N. Murphy Road, Murphy, Tx
 Location: South side (outside science classrooms) Murphy Middle School
 Please describe the proposed project and goals in detail (attach additional pages as necessary):

The MMS Environmental Club members want to design, construct and utilize a modular and mobile experiment and test unit comprised of the following topics:
 alternative energy sources, plants/garden, soil, water and the atmosphere

Each module will be designed to serve multiple purposes in a standalone mode but, can serve additional purposes when connected to one or more of the soil beds already in the Environmental Club inventory.

The Environmental Club members would like to help teach people of all ages the importance of conservation of natural resources as well as gardening with worm castings along with landscaping with native plants. The club has access to resources such as grass area next to school for soil beds and city owned land covered by trees across the driveway. In order to better utilize these assets for the educational benefits of local school students and community residents, some basic and high technology tools are needed.

(Please see **detailed attached list**)

Has any of the above mentioned work begun?	Yes	No
Will project need to be funded to start?	Yes	No

Please detail the estimated project costs as well as any additional funding sources. Attach any written estimates or other applicable documentation. Include details such as local involvement,

volunteers, etc., and how this project impacts and enhances the City of Murphy community while continuing to develop a vibrant economic base. (Attach additional pages as necessary). Also, include project budget including total project cost as well as identifying any additional funding sources and/or in kind resources:

We are seeking \$ 2,200 for the ongoing project. Mrs. Pilgrim & Mr. Hendrix will be guiding the students in constructing and maintaining the teaching modules.

See attached list of items requesting

Application and Review Process

Note: **Once the submittal is complete**, it will be scheduled for consideration by the MCDC Board, including a brief project presentation by the applicant and if approved, it will then be scheduled for City Council final consideration.

By my signature, I certify that all information submitted on this application is true and correct. I also certify that I have reviewed the eligibility requirements and that the project described above meets those requirements. I further certify that I have reviewed the application and review process and agree to comply with its requirements.

Tina Pilgrim
Applicant Signature

4/13/16
Date

Grant Payment

A one-time grant payment may be made to applicant to commence project or payments will be made to applicant based on receipts, construction costs or other applicable documentation at the discretion of the Director of Community Development, MCDC or City Council. A *Community Enhancement Grant* purchase (or project number) order will be issued if payments are to be disbursed and a log will be kept in file to track all expenses with copies of all said receipts.

The applicant also understands that if project is selected, photographs along with a short blog regarding said project will be presented to MCDC and subsequently posted on the Murphy Community Development Corporation's website.

Tina Pilgrim
Applicant Signature

4/13/16
Date

Project Approved: Yes No

Director of Community Development or designee

Date

Community Enhancement Grant Program Number: CEP No# 2016-04

Natural Environment Subject Matter Experts

Submitted by the Murphy Middle School Environmental Club

Preamble:

Vision: Some members of the Murphy Middle School Environmental Club, as they attend McMillen and Plano East High School, will continue their environmental effort and become subject matter experts to mentor younger students and be a resource to the Murphy community for science and environmental presentations and information sharing.

Strategy: The Environmental Club along with its supporters will provide the tools and challenging framework for any student that has a desire to develop the skills needed to become a science leader.

Execution: The Environmental Club is establishing a state of the art experiment and test lab, which is modular and mobile.

The Following Grant Proposal: Submitted in 4WHB Process Format

What Are We Doing: Designing, constructing and utilizing a modular and mobile experiment and test unit comprised of (6) modules.

Why Are We Doing This: The Environmental Club of Murphy Middle School desires not to lose the lessons learned by its members as they move on to High School. The club has access to resources such as grass area next to school for soil beds and city

owned land covered by trees across the driveway. In order to better utilize these assets for the educational benefits of local school students and community residents, some basic and high technology tools are needed.

Who Is Doing This: The Murphy Middle School Environmental Club with its approximately 40 members will be the core labor and idea resource.

It is anticipated that with a state of the art lab in operation some of the club members leaving for the high school will take advantage of the opportunity to become mentors/subject matter experts to younger students and information disseminators to the Murphy public during their high school years.

Soil Bed Systems Inc. (SBS) will be acting as Environmental Club Advocate to the community and as the Project Facilitator for the club.

It is believed several community members will be engaged as advisors to SBS and to Mrs. Tina Pilgrim.

It is expected that other Science Teachers will participate from the middle school and other local schools.

Middle School PTA and McMillen School PTSA will be participants.

It is anticipated that local home school students will be participants in the mentor/subject matter experts activities coordinated through the Environmental Club.

The Environmental Club Sponsor, 6th Grade Science Teacher Mrs. Tina Pilgrim is the overall manger and decision maker for this program.

When Are We Doing This: Two soil beds are in place in grassy area next to the East side of Murphy Middle School, the wooded area is now accessible by a mulched trail and planning has been underway for three months for additional tools and equipment. With appropriate funding the Energy Module can be operational by September 1, 2016 with the other 5 modules coming on line by April 2017. Thus benefits will be received during the 2016- 2017 school year. Everyone involved, realizes and accepts this is a long term effort with many changes and improvements expected.

How Are We Doing This:

1. Modules will be based on design requirements. Basic ones will be made of wood and on legs 2' X 2' and hold material and/or measurement equipment.
2. A module for each of the following disciplines will be designed and constructed with axle and wheels assembly for movement to other schools, HOA meetings, Murphy City meetings, local organizations meetings and other appropriate venues.

Disciplines:

- A. **Energy** for testing and demonstrating solar and wind alternative power sources and to supply power for other modules via batteries and inverters.
 - B. **Sunlight** capture for testing and demonstrating how sunlight converts to heat (the heat that cannot escape the earth's atmosphere due to Greenhouse Gases) but, also allows for solar power electricity generation.
 - C. **Plants** both for conducting food production experiments and also tests to show how plants capture CO₂ (photosynthesis) and store carbon into the soil plus respiration of CO₂ into the atmosphere.
 - D. **Soil** for conducting experiments and tests to understand all the living organisms in the soil and that in combination with nutrients allow for food production plus how these activities have an effect on carbon sequestration ability of soil.
 - E. **Water** for conducting experiments and tests for water quality, lawn sprinkler and house water usage efficiencies, rainwater runoff consequences, the capture and storage of rainwater and the movement of nutrients in the soil due to the presence of or lack of water.
 - F. **Atmosphere** the measurement of Greenhouse Gases in the air utilizing hypotheses created after documenting results from experiments and tests done in Items B through E above. The results of tests against hypothesis will then be documented and compared to results run multiple times after making various changes to one or more of items B through E.
3. Each module will be designed to serve multiple purposes in a standalone mode but, can serve additional purposes when connected to one or more of the soil beds already in the Environmental Club inventory.
 4. It is anticipated that a mobile demonstration will involve the Energy module and one or more of the other five modules. Wheels or hand truck can be employed for movement based on the module involved.

5. Estimated equipment and cost are listed below for each module.

Module A: Energy

Scope of Work: Purchase materials and provide labor to construct a Module to house the below listed equipment. Electrical power source needed for future experiment/ test modules and to demonstrate alternative energy resources other than fossil fuels.

(1) Grape Solar 265-Watt Solar Panel	\$370.00
Model # GS-P60-265-Fab2	
(1) Aleko WGV75 12 volt 50 Watt	\$495.00
Vertical Wind Power Generator	
(4) Deep Cycle 12 volts DC batteries	\$500.00
Deka Model # 1131PMF	
(1) 3000 Watt Inverter	\$326.00
Intertek # 3069523	
(2) Wood and misc building material	\$200.00
(2) Hours to design (\$50.00 per hr)	\$ no charge SBS provided
(20) Hours to construct (\$20.00 per hr)	\$ no charge SBS provided
(5) Hours of maintenance (\$20 per hr)	\$ no charge SBS provided
 Total Material Cost: (incl tax & shipping)	 \$1,891.00
Total Labor Value (no charge)	\$ - 600.00 –

Module B: Sunlight

Requirements not yet developed.

Module C: Plants

Requirements not yet developed

Module D: Soil

Worms and worm compost (fertilizer) are crucial for healthy soil. A study is planned for taking soil samples and comparing soil health of soil fertilized with worm compost to soil fertilized with commercial non organic fertilizer.

(1) The Worm Factory® 360 composter With 3 extra trays and 1,000 worms	\$ 175.00
Total cost (incl sales tax and shipping)	\$175.00
No labor cost	\$ 00

Module E: Water

Scope of work: **(Rainwater runoff consequence)** Purchase wire fencing and posts. Install in two rows for the capture of trash and debris that arrives in the wooded area next to MMS via the drainage stream. The Environmental Club has been picking up this trash for some time and the trap will greatly reduce the time spent on this recurring effort.

NOTE: Must be coordinated with the City.

(1) Roll of Welded Wire Fence 48" X 100'	\$ 51.00
(20) 6' tall metal T Posts \$4.11 times 20	\$ 83.00
(8) Hours of labor \$20.00 times 8 (no charge)	\$160.00
Total material cost (incl. sales taxes)	\$134.00
Total Labor value (no charge)	\$ - 160.00-

Module F: Atmosphere

Requirements not yet developed.

(cont'd next page)

Benefits Expected: It is our belief that students with hands on knowledge of their local environment will be of great value to their families and their community.

All students in the Murphy Middle School Environmental Club will have access to and will utilize the six modules lab setup. They in turn will have a basic understanding of the environment above what is learned in the class room.

For those students that desire to go beyond the basics, the lab setup offers them the opportunity to try out their ideas for improving our environment. In return they can give back to the community and other students by sharing what they have learned and understand. Face to face meetings and on line sessions will be their modes of conveyance. Recognition of their information sharing activities will come from the schools and Murphy City leaders.

City Council Meeting
July 5, 2016
Human Resources: Pay Plan and Compensation Policy

Issue

Consider and/or approve adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Staff Resource/Department

Mark Lee, Fire Chief
Steven Ventura, Interim Finance Director
Jana Traxler, Human Resources Manager

Summary of Changes

A formal compensation plan is an integral part of becoming and remaining competitive in the municipal government talent marketplace. It serves as the foundation to provide transparency and consistency surrounding an organization's compensation philosophy and helps ensure parity within the market. This, in turn, helps with recruiting, hiring and retaining key employees. Additionally, a pay plan can help to mitigate the risk of litigation by eliminating what could be considered arguable inequities and inconsistencies within informal pay structures.

During a City Council work session on May 2, 2016, staff brought forth a proposed broadband pay plan for non-sworn employees and salary revisions to the existing step plans for sworn employees. The research for this proposal included a review and analysis of the external comparable labor market cities including Sachse, Wylie, Highland Village, Rockwall and Little Elm.

At that meeting, Council provided direction to staff that they would require a pay for performance provision for the administration of the pay plan. Accordingly, we have proposed revisions to Section 3.0 of Personnel Policies and Procedures Handbook that provides definition and guidance for the structure and administration of the pay plan. This includes a pay for performance provision for the distribution of merit pay increases.

Board Discussion/Action

Consider adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Attachments

- City of Murphy Pay Plan;
- Revisions to the existing sworn step plans; and
- Section 3.0 of the Murphy Personnel Policies and Procedures Handbook.

FY 2016 - 2017					
DRAFT Pay Plan					
Pay Range	Pay Basis	FY17 Base	FY17 Midpoint	FY17 Maximum	Job Titles
13	A	\$ 21,670.74	\$ 26,004.89	\$ 30,339.04	
	M	\$ 1,805.90	\$ 2,167.07	\$ 2,528.25	
	B	\$ 833.49	\$ 1,000.19	\$ 1,166.89	
	H	\$ 10.42	\$ 12.50	\$ 14.59	
14	A	\$ 22,754.28	\$ 27,305.13	\$ 31,855.99	
	M	\$ 1,896.19	\$ 2,275.43	\$ 2,654.67	
	B	\$ 875.16	\$ 1,050.20	\$ 1,225.23	
	H	\$ 10.94	\$ 13.13	\$ 15.32	
15	A	\$ 23,891.99	\$ 28,670.39	\$ 33,448.79	
	M	\$ 1,991.00	\$ 2,389.20	\$ 2,787.40	
	B	\$ 918.92	\$ 1,102.71	\$ 1,286.49	
	H	\$ 11.49	\$ 13.78	\$ 16.08	
16	A	\$ 25,086.59	\$ 30,103.91	\$ 35,121.23	Crossing Guard
	M	\$ 2,090.55	\$ 2,508.66	\$ 2,926.77	
	B	\$ 964.87	\$ 1,157.84	\$ 1,350.82	
	H	\$ 12.06	\$ 14.47	\$ 16.89	
17	A	\$ 26,340.92	\$ 31,609.10	\$ 36,877.29	
	M	\$ 2,195.08	\$ 2,634.09	\$ 3,073.11	
	B	\$ 1,013.11	\$ 1,215.73	\$ 1,418.36	
	H	\$ 12.66	\$ 15.20	\$ 17.73	
18	A	\$ 27,657.97	\$ 33,189.56	\$ 38,721.15	Custodian
	M	\$ 2,304.83	\$ 2,765.80	\$ 3,226.76	
	B	\$ 1,063.77	\$ 1,276.52	\$ 1,489.28	
	H	\$ 13.30	\$ 15.96	\$ 18.62	
19	A	\$ 29,040.86	\$ 34,849.04	\$ 40,657.21	Rec Specialist I
	M	\$ 2,420.07	\$ 2,904.09	\$ 3,388.10	
	B	\$ 1,116.96	\$ 1,340.35	\$ 1,563.74	
	H	\$ 13.96	\$ 16.75	\$ 19.55	
20	A	\$ 30,492.91	\$ 36,591.49	\$ 42,690.07	Groundskeeper I Maintenance Worker I Rec Specialist II
	M	\$ 2,541.08	\$ 3,049.29	\$ 3,557.51	
	B	\$ 1,172.80	\$ 1,407.36	\$ 1,641.93	
	H	\$ 14.66	\$ 17.59	\$ 20.52	
21	A	\$ 32,017.55	\$ 38,421.06	\$ 44,824.57	
	M	\$ 2,668.13	\$ 3,201.76	\$ 3,735.38	
	B	\$ 1,231.44	\$ 1,477.73	\$ 1,724.02	
	H	\$ 15.39	\$ 18.47	\$ 21.55	
22	A	\$ 33,618.43	\$ 40,342.12	\$ 47,065.80	Deputy Court Clerk Customer Service Specialist
	M	\$ 2,801.54	\$ 3,361.84	\$ 3,922.15	
	B	\$ 1,293.02	\$ 1,551.62	\$ 1,810.22	
	H	\$ 16.16	\$ 19.40	\$ 22.63	
23	A	\$ 35,299.35	\$ 42,359.22	\$ 49,419.09	Facilities Maintenance Tech
	M	\$ 2,941.61	\$ 3,529.94	\$ 4,118.26	
	B	\$ 1,357.67	\$ 1,629.20	\$ 1,900.73	
	H	\$ 16.97	\$ 20.37	\$ 23.76	

24	A	\$ 37,064.32	\$ 44,477.18	\$ 51,890.05	A/P Payroll Specialist I
	M	\$ 3,088.69	\$ 3,706.43	\$ 4,324.17	
	B	\$ 1,425.55	\$ 1,710.66	\$ 1,995.77	
	H	\$ 17.82	\$ 21.38	\$ 24.95	
25	A	\$ 38,917.54	\$ 46,701.04	\$ 54,484.55	Communications Officer Groundskeeper II
	M	\$ 3,243.13	\$ 3,891.75	\$ 4,540.38	
	B	\$ 1,496.83	\$ 1,796.19	\$ 2,095.56	
	H	\$ 18.71	\$ 22.45	\$ 26.19	
26	A	\$ 40,863.41	\$ 49,036.09	\$ 57,208.78	GIS Tech Maintenance Worker II Meter Technician
	M	\$ 3,405.28	\$ 4,086.34	\$ 4,767.40	
	B	\$ 1,571.67	\$ 1,886.00	\$ 2,200.34	
	H	\$ 19.65	\$ 23.58	\$ 27.50	
27	A	\$ 42,906.58	\$ 51,487.90	\$ 60,069.22	Comm Development Coordinator Animal Control Officer Executive Administrative Assistant Juvenile Case Manager Code Compliance Officer
	M	\$ 3,575.55	\$ 4,290.66	\$ 5,005.77	
	B	\$ 1,650.25	\$ 1,980.30	\$ 2,310.35	
	H	\$ 20.63	\$ 24.75	\$ 28.88	
28	A	\$ 45,051.91	\$ 54,062.29	\$ 63,072.68	A/P Payroll Specialist II
	M	\$ 3,754.33	\$ 4,505.19	\$ 5,256.06	
	B	\$ 1,732.77	\$ 2,079.32	\$ 2,425.87	
	H	\$ 21.66	\$ 25.99	\$ 30.32	
29	A	\$ 47,304.51	\$ 56,765.41	\$ 66,226.31	Assistant Customer Service Mgr
	M	\$ 3,942.04	\$ 4,730.45	\$ 5,518.86	
	B	\$ 1,819.40	\$ 2,183.28	\$ 2,547.17	
	H	\$ 22.74	\$ 27.29	\$ 31.84	
30	A	\$ 49,669.73	\$ 59,603.68	\$ 69,537.63	Events Coordinator
	M	\$ 4,139.14	\$ 4,966.97	\$ 5,794.80	
	B	\$ 1,910.37	\$ 2,292.45	\$ 2,674.52	
	H	\$ 23.88	\$ 28.66	\$ 33.43	
31	A	\$ 52,153.22	\$ 62,583.86	\$ 73,014.51	Customer Service Manager IT Business Analyst
	M	\$ 4,346.10	\$ 5,215.32	\$ 6,084.54	
	B	\$ 2,005.89	\$ 2,407.07	\$ 2,808.25	
	H	\$ 25.07	\$ 30.09	\$ 35.10	
32	A	\$ 54,760.88	\$ 65,713.06	\$ 76,665.23	Communications Supervisor Jr. Network Analyst
	M	\$ 4,563.41	\$ 5,476.09	\$ 6,388.77	
	B	\$ 2,106.19	\$ 2,527.43	\$ 2,948.66	
	H	\$ 26.33	\$ 31.59	\$ 36.86	
33	A	\$ 57,498.92	\$ 68,998.71	\$ 80,498.49	Web Analyst Senior Grounds Keeper Senior Maintenance Worker
	M	\$ 4,791.58	\$ 5,749.89	\$ 6,708.21	
	B	\$ 2,211.50	\$ 2,653.80	\$ 3,096.10	
	H	\$ 27.64	\$ 33.17	\$ 38.70	
34	A	\$ 60,373.87	\$ 72,448.65	\$ 84,523.42	Support Services Manager
	M	\$ 5,031.16	\$ 6,037.39	\$ 7,043.62	
	B	\$ 2,322.07	\$ 2,786.49	\$ 3,250.90	
	H	\$ 29.03	\$ 34.83	\$ 40.64	

35	A	\$ 63,392.56	\$ 76,071.08	\$ 88,749.59	Court Administrator City Secretary Recreation Manager
	M	\$ 5,282.71	\$ 6,339.26	\$ 7,395.80	
	B	\$ 2,438.18	\$ 2,925.81	\$ 3,413.45	
	H	\$ 30.48	\$ 36.57	\$ 42.67	
36	A	\$ 66,562.19	\$ 79,874.63	\$ 93,187.07	Facilities Superintendent Parks Superintendent Public Works Superintendent
	M	\$ 5,546.85	\$ 6,656.22	\$ 7,765.59	
	B	\$ 2,560.08	\$ 3,072.10	\$ 3,584.12	
	H	\$ 32.00	\$ 38.40	\$ 44.80	
37	A	\$ 69,890.30	\$ 83,868.36	\$ 97,846.42	IT Manager
	M	\$ 5,824.19	\$ 6,989.03	\$ 8,153.87	
	B	\$ 2,688.09	\$ 3,225.71	\$ 3,763.32	
	H	\$ 33.60	\$ 40.32	\$ 47.04	
38	A	\$ 73,384.82	\$ 88,061.78	\$ 102,738.74	
	M	\$ 6,115.40	\$ 7,338.48	\$ 8,561.56	
	B	\$ 2,822.49	\$ 3,386.99	\$ 3,951.49	
	H	\$ 35.28	\$ 42.34	\$ 49.39	
39	A	\$ 77,054.06	\$ 92,464.87	\$ 107,875.68	
	M	\$ 6,421.17	\$ 7,705.41	\$ 8,989.64	
	B	\$ 2,963.62	\$ 3,556.34	\$ 4,149.06	
	H	\$ 37.05	\$ 44.45	\$ 51.86	
40	A	\$ 80,906.76	\$ 97,088.11	\$ 113,269.47	Assistant Finance Director
	M	\$ 6,742.23	\$ 8,090.68	\$ 9,439.12	
	B	\$ 3,111.80	\$ 3,734.16	\$ 4,356.52	
	H	\$ 38.90	\$ 46.68	\$ 54.46	
41	A	\$ 84,952.10	\$ 101,942.52	\$ 118,932.94	Building Official
	M	\$ 7,079.34	\$ 8,495.21	\$ 9,911.08	
	B	\$ 3,267.39	\$ 3,920.87	\$ 4,574.34	
	H	\$ 40.84	\$ 49.01	\$ 57.18	
42	A	\$ 89,199.70	\$ 107,039.65	\$ 124,879.59	
	M	\$ 7,433.31	\$ 8,919.97	\$ 10,406.63	
	B	\$ 3,430.76	\$ 4,116.91	\$ 4,803.06	
	H	\$ 42.88	\$ 51.46	\$ 60.04	
43	A	\$ 93,659.69	\$ 112,391.63	\$ 131,123.57	HR Manager
	M	\$ 7,804.97	\$ 9,365.97	\$ 10,926.96	
	B	\$ 3,602.30	\$ 4,322.75	\$ 5,043.21	
	H	\$ 45.03	\$ 54.03	\$ 63.04	
44	A	\$ 98,342.67	\$ 118,011.21	\$ 137,679.74	Director of Public Services Director of Comm & Eco Development
	M	\$ 8,195.22	\$ 9,834.27	\$ 11,473.31	
	B	\$ 3,782.41	\$ 4,538.89	\$ 5,295.37	
	H	\$ 47.28	\$ 56.74	\$ 66.19	
45	A	\$ 103,259.81	\$ 123,911.77	\$ 144,563.73	
	M	\$ 8,604.98	\$ 10,325.98	\$ 12,046.98	
	B	\$ 3,971.53	\$ 4,765.84	\$ 5,560.14	
	H	\$ 49.64	\$ 59.57	\$ 69.50	

46	A	\$ 108,422.80	\$ 130,107.36	\$ 151,791.92	Director of Finance
	M	\$ 9,035.23	\$ 10,842.28	\$ 12,649.33	
	B	\$ 4,170.11	\$ 5,004.13	\$ 5,838.15	
	H	\$ 52.13	\$ 62.55	\$ 72.98	
47	A	\$ 113,843.94	\$ 136,612.73	\$ 159,381.51	Police Chief
	M	\$ 9,486.99	\$ 11,384.39	\$ 13,281.79	Fire Chief
	B	\$ 4,378.61	\$ 5,254.34	\$ 6,130.06	
	H	\$ 54.73	\$ 65.68	\$ 76.63	
48	A	\$ 119,536.13	\$ 143,443.36	\$ 167,350.59	
	M	\$ 9,961.34	\$ 11,953.61	\$ 13,945.88	
	B	\$ 4,597.54	\$ 5,517.05	\$ 6,436.56	
	H	\$ 57.47	\$ 68.96	\$ 80.46	
49	A	\$ 125,512.94	\$ 150,615.53	\$ 175,718.12	
	M	\$ 10,459.41	\$ 12,551.29	\$ 14,643.18	
	B	\$ 4,827.42	\$ 5,792.90	\$ 6,758.39	
	H	\$ 60.34	\$ 72.41	\$ 84.48	
50	A	\$ 131,788.59	\$ 158,146.31	\$ 184,504.02	
	M	\$ 10,982.38	\$ 13,178.86	\$ 15,375.34	
	B	\$ 5,068.79	\$ 6,082.55	\$ 7,096.31	
	H	\$ 63.36	\$ 76.03	\$ 88.70	

Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Firefighter	\$ 52,688.00	\$ 56,376.16	\$ 60,322.49	\$ 64,545.07	\$ 69,063.22	\$ 73,897.65
Driver Engineer	\$ 64,575.00	\$ 69,095.25	\$ 73,931.92	\$ 79,107.15	\$ 84,644.65	\$ 90,569.78
Lieutenant	\$ 77,062.00	\$ 82,456.34	\$ 88,228.28	\$ 94,404.26		
Fire Marshal	\$ 94,300.00	\$ 100,901.00	\$ 107,964.07	\$ 115,521.55		
Asst. Chief	\$ 94,300.00	\$ 100,901.00	\$ 107,964.07	\$ 115,521.55		

Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Police Officer	\$ 54,760.88	\$ 58,320.34	\$ 62,111.16	\$ 66,148.38	\$ 70,448.03	\$ 75,027.15
Sargeant	\$ 73,384.82	\$ 78,154.83	\$ 83,234.90	\$ 88,645.17	\$ 94,407.10	\$ 100,543.56
Lieutenant	\$ 84,952.10	\$ 90,473.99	\$ 96,354.80	\$ 102,617.86	\$ 109,288.02	\$ 116,391.74

3.00 WAGE AND SALARY ADMINISTRATION

3.01 COMPENSATION PLAN

3.01.01 The purpose of the City's compensation and salary administration program is to support the City's goal of attracting and retaining top quality talent through an effective pay system. The City's policy is to provide compensation that is competitive with the similarly sized and situated surrounding municipal labor market and that will motivate and reward high-level performance.

3.01.02 The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Salary ranges established for any given year are best maintained if adjusted each year to reflect the movements of pay rates occurring in the competitive marketplace.

3.01.03 Each classification (except sworn police and fire) is assigned to a grade level within the pay plan. The plan specifies a minimum, midpoint and maximum pay rate within each pay grade. The City Council, as part of its annual budget process, considers the allocation of funds for pay plan market adjustments and merit increases.

3.01.04 The compensation plans for fire and police personnel are located within each department. Per approval by City Council, step movement within these specific pay plan step structures is outlined in a department directive as determined by the respective Department Chief.

3.01.05 Salaries and benefits for the City Manager and City Secretary are established by the City Council and may not be subject to the Compensation Plan.

3.02 COMPENSATION ESTABLISHMENT

3.02.01 **New Employees**

Department directors should consult with Human Resources to determine the pay rate for a new hire, taking the following factors into account:

- A. Salaries paid to current employees in the position;
- B. Qualifications of the selected candidate compared to the qualifications of current employees in the same classification;
- C. Department budget.

An offer of initial compensation within the first quartile of a salary grade is the pay range for a candidate meeting the basic requirements of the job. Department Directors can make offers within the first quartile of the grade.

An offer of initial compensation within the second quartile of a salary grade is the pay range for a candidate exceeding the basic requirements of the job because he/she has some experience in the job. The Human Resources Director must approve offers in the second quartile of the grade.

An offer of initial compensation above the midpoint of a salary grade is the pay range for a candidate exceeding the basic requirements of the job because he/she has significant experience in the job. In addition to the Human Resources Director, the City Manager must approve offers above the midpoint.

3.02.02 Promotions

A promotion occurs when an employee moves to a position in a higher salary grade than his/her current position.

Promotions include a pay increase. The employee's new pay rate must be at least the minimum of the new salary grade. Approvals of pay rates for promotions follow the same guidelines as Pay Rates at Hire (See Section 3.02.01)

Upon the resignation or separation of an employee, the Department Director and Human Resources will determine if an interim assignment is needed. If it is determined that an interim assignment is needed and that it can effectively be assigned internally to a qualified existing employee, Human Resources and the Department Director will notify the selected employee of their temporary promotion. To receive a pay increase for a temporary promotion, an employee must have worked (or be scheduled to work) for a minimum period of thirty (30) calendar days in the temporary position. The employee's new pay rate must be at least the minimum of the new salary grade or an increase of five (5) percent, whichever is greater. Pay increases are retroactive to (or effective on) the date of the temporary promotion. The employee must be qualified to perform and must actually perform the full range of duties of the higher level position required during the temporary promotion in order to be eligible for the additional compensation.

When an employee returns to his or her regular job assignments, upon the completion of a higher level interim assignment, the employee's compensation shall return to that employee's regular rate of pay prior to his interim assignment, including any increases that may have been given during the timeframe in which the employee was working an interim assignment.

3.02.03 **Lateral Transfers**

A lateral transfer occurs when an employee moves to a different position in the same salary grade as his/her current position. A lateral transfer does not include a pay increase.

3.02.04 **Demotions**

A demotion occurs when an employee moves to a job in a lower salary grade. This may occur for the following reasons:

- A. Disciplinary action;
- B. Departmental reorganization resulting in a reduction in duties and responsibilities;
- C. Employee-initiated request approved in writing by the requesting employee's immediate supervisor and appropriate department director(s); or
- D. An employee applies for and obtains a City position that is in a lower grade.

All demotions are subject to a reduction in base pay. The employee's new pay rate must be at least the minimum of the new salary grade. Approvals of increased pay rate within the new grade for demotions follow the same guidelines as pay rates at hire (See Section 3.02.01).

3.02.05 **Merit Pay Rate Increases**

If, during budget deliberations, Council approves a merit pay rate increase percentage for employees, the pay increase will take effect the first day of the first pay period of the fiscal year the raise was approved for unless an alternate payout schedule is directed by Council.

With the exception of Police and Fire whose percentage received is awarded per the requirements and provisions of their step plan, the percentage increase each employee will receive will be directly correlated to the overall rating on their last performance evaluation which must have been given prior to the scheduled pay out date.

- If an employee receives an "exceptional" overall rating, they are eligible for up to 130% of the merit pay rate increase percentage approved by City Council for that budget year.
- If an employee receives an "acceptable" overall rating, they are eligible for up to 80% of the merit pay rate increase percentage approved by City Council for that budget year.

- If an employee receives an “unacceptable” overall rating, they are not eligible for the merit pay rate increase percentage approved by City Council for that budget year. This score also requires that the employee be placed on a Performance Improvement Plan. The employee is not eligible for a pay increase again until the following budget year if merit increases are approved by Council.
- Employees whose pay reaches the maximum of their salary range receive lump sum payments that totals the percentage increase they would have received instead of an increase to their base pay rate. Employees also receive lump sum payments for any portion of a pay rate increase that would cause the employee’s pay to exceed the maximum. If any employee is above the maximum of their range at adoption of the pay plan, this provision does not apply to them. The employee must transitionally reach the maximum of their grade to receive the lump sum payment.

3.02.06 Compensation Structure Adjustments

The City is committed to competitive compensation and, on an annual basis, will review ten (10) classifications with exact job detail matches from five (5) similarly sized and situated cities within the surrounding DFW labor market. Human Resources will present the labor market review findings during budget deliberations and based on this review, subject to budget availability and Council approval, adjustments to the salary structure may occur.

When a merit pay rate increase occurs in the same fiscal year as a salary structure adjustment, the increase is applied to employees’ base pay first. Then, any employee whose pay rate is below the new salary grade minimum will have his/her base pay raised to the new minimum of the grade.

3.02.07 Job Titles and Employee Classification

Job titles are descriptive of the duties performed, skill required and organizational level. Each employee will be properly classified under an established job title which will be used on all payroll and personnel records. This classification shall not be changed unless a transfer, promotion or demotion occurs, or a study of the job results in a reclassification.

3.02.08 Reclassification

Reclassification occurs when an existing job title moves from one salary grade to another. This may happen because of substantial changes in duties, required knowledge level, effect on City operations, accountability, and/or other relevant factors. The department desiring the reclassified position must submit requests in writing to Human Resources who will obtain final approval from the City Manager. The request

must include the rationale for the proposed change and a new/revised position description.

Examples of eligible reasons for reclassification include, but are not limited to:

- A. Duties of an existing position being combined with a vacant position of another classification;
- B. Significant increase in responsibility due to additional programs, facilities, or requirements being assigned that are not part of the job duties currently performed and/or stated in the existing job description; or
- C. Other reasons of business necessity.

Examples of reasons that are not eligible for reclassification include, but are not limited to:

- A. Changes in local, state, or federal law that require title changes in certifications, but do not change certification levels or otherwise substantially change the qualifications for the position.
- B. Increases in volume of work load;
- C. Rewarding personal achievements of employees not required by their jobs (i.e., obtaining degrees, certificates, skills, etc. above those required by the job);
- D. Rewarding performance;
- E. Rewarding length of service;
- F. Attempting to increase range maximums for employees because their salaries are at or near their current range maximums;
- G. Creating jobs to accommodate or reward specific skill sets, personal preferences, or individual interests of employees that are not required by their jobs;
- H. Requesting higher grade assignments for vacant positions without accompanying changes in assigned job duties;
- I. Requesting higher grade assignments to placate dissatisfied employees without valid job-related reasons;
- J. Requesting review repetitively without accompanying changes in assigned job duties.

3.02.09 New Classifications

A new classification may be established when a position is created that does not fit into any existing job title. A new job title is not necessarily a promotion or demotion. Department director approval is required for a job title change.

To propose a classification that does not currently exist in the City's classification structure, the department must work with Human Resources to:

- A. Create a Job Description; and
- B. Determine appropriate salary grade and funding level.

All new classifications must be approved by City Council. After final approval is received, Human Resources will begin recruiting for the new position.

3.03 EMPLOYEE PERFORMANCE EVALUATIONS

3.03.01 Supervisory personnel will conduct a written performance evaluation and an oral evaluation with each City employee at least once annually, pursuant to Section 4.06 of the Charter.

3.03.02 Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the Department Director's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Scheduled evaluations provide a required opportunity to assess progress and to plan for future performance improvements, but should never replace day-to-day communication between Department Director and employee regarding performance expectations and actual performance.

3.03.03 The performance evaluations are used for development purposes in identifying strengths and weaknesses and making plans for future performance improvements. Additionally, performance evaluations will be used when considering merit increases for employees.

3.03.04 Performance evaluation records are maintained in each employee's personnel file.

3.04 CERTIFICATION PAY

3.04.01 Eligible full-time employees may receive additional compensation per month for each qualifying certificate or license obtained above the "basic level" within their respective professions or occupations. The amount of such compensation shall be

determined as part of the annual budget and will be included in the employee's regular rate of pay. Certificates or licenses must be obtained from appropriate State certification or licensing agencies and/or recognized professional associations performing a similar certification or licensing function for personnel in the applicable profession and must be maintained in an active status. Certificates or licenses also must be directly related to the employee's present job duties and functions. Certification pay is subject to annual funding and adoption of such funding within each fiscal budget.

3.05 ACTING STATUS

3.05.01 No pay increase shall be provided for acting status except as required by law. An employee may be assigned to an acting status position, typically for a position that has not been vacated, on a short-term basis when he or she is assigned duties of another position. An employee who has been assigned to an acting status position shall not receive additional compensation except as provided by law.

3.06 ADMINISTRATIVE WORKWEEK OR WORK PERIOD

3.06.01 Normal working hours for full-time non-public safety employees are Monday through Friday, 8:00 A.M. to 5:00 P.M. with one (1) hour for lunch, for a total of forty (40) hours per workweek. Some departments may work schedules that are different than the City's standard operating days/hours. Morning and afternoon breaks of fifteen (15) minutes each may be available to each employee if the break does not interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours. Breaks are a privilege and not to be abused. Certified Police and Fire suppression personnel, as well as personnel working in Communications, work shifts as assigned by their Department Director.

3.07 PUBLIC SAFETY WORK PERIOD AND SCHEDULES

3.07.01 Employees of the City's police department work in shifts. The City has established a fourteen (14) day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above eighty (80) hours in a fourteen (14) day work period. Employees in the City's fire department work in twenty-four (24) hour shifts. In accordance with the exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA), the City has established a twenty-one (21) day work period for its certified fire suppression personnel.

3.07.02 "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the

police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction. Holiday and vacation time count as "hours worked" for purposes of calculating overtime.

3.08 EXPRESSION OF BREAST MILK

3.08.01 The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee has a need to express the milk. The City will provide a private, secure location, other than a restroom, in the employee's building for this purpose. The space provided will be one that can be made available to the employee as needed, is shielded from view, and free from intrusion from co-workers or the public. The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Director to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

3.09 EXEMPTIONS FROM FLSA

3.09.01 Certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

3.09.02 Extra hours worked by employees classified as exempt may be used as a factor in granting or denying paid leave other than vacation or sick leave.

3.09.03 Each City position description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.

3.09.04 Improper deductions from the pay of exempt employees are prohibited. If an exempt employee believes that an improper deduction from his or her salary has been made, a complaint should be made to the Finance Department. The Finance Department will investigate the complaint. Upon a finding that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the City will make a good faith effort not to make future improper deductions.

3.10 TIME REPORTING

3.10.01 Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Timesheets for this purpose are provided by the City.

3.10.02 Time records must be signed by both the employee and the employee's immediate Supervisor. It is recommended that these forms be completed after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

3.10.03 Each Department Director is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the finance department as well as being recorded on the individual department's records. Additionally, each Department Director is responsible for making sure the City Manager signs and approves all timesheets that include paid administrative leave.

3.10.04 Exempt employees, as determined and classified by the City of Murphy per the United States Department of Labor guidelines, are not required to submit time sheets. When personal leave time is taken, exempt employees shall submit the leave time request and approval form to the finance department reflecting the type and amount of leave taken so it can be charged appropriately.

3.11 OVERTIME WORKED

3.11.01 Non-exempt personnel may be required to work hours in excess of their official established hours when necessary as determined by departmental management. Specific extra work assignments shall be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to a reasonable request to work extra hours and may be subject to disciplinary action for failing to stay or report for such hours. Non-exempt employees are discouraged from working at any time, other than scheduled working hours, including taking work home and using electronic devices for purposes of work when off duty, unless authorized by the employee's Supervisor.

3.11.02 Overtime is defined as hours worked in excess of forty (40) hours per work week for all non-exempt employees, excluding non-exempt certified police and shift assigned fire suppression personnel. Holiday and vacation time count as “hours worked” for purposes of calculating overtime for all non-exempt employees. “Hours worked” for purposes of calculating overtime does not include all other leave types. For purposes of calculating the number of hours worked in a week, the City workweek is from Saturday 12:00.00 A.M. to Friday 11:59:59 P.M. Non-exempt employees are compensated for overtime worked by being paid payment at the rate of one and one-half times the employee’s regular hourly rate.

3.12 ON-CALL AND CALL-BACKS

3.12.01 The vital nature of certain City services requires that some employees be available in an “on-call” or “standby” status in the evenings and over holidays and weekends to ensure the continuity of those vital services. The time an employee is designated to be “on-call”, he or she is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his or her duties in a safe and capable manner. Employees who are on-call will be required to have in their possession a working cell phone and respond immediately when notified to report to work. Response time should not exceed thirty (30) minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the thirty (30) minute response time.

3.12.02 When non-exempt City employees are assigned to be on-call for a particular week, the person(s) designated as on-call will automatically be paid for four (4) hours at the regular, straight-time hourly rate of pay for any on-call week and four (4) additional hours at the straight-time rate for any holiday during the on-call period. Should there be a second employee in the same department also scheduled for on-call, the second employee will also be paid two (2) hours at regular straight-time rate of pay for any on-call week and two (2) additional hours at the straight-time rate for any holiday during the on-call period.

3.12.03 The on-call period begins Saturday morning at the beginning of the workweek and ends the following Saturday at the same time. Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including dismissal. All on-call assignments are subject to the approval of the City Manager or the employee’s Department Director. The City Manager is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

3.12.04 Call-back pay is defined as being called back to work typically due to an unexpected situation that is not scheduled. A minimum of two (2) hours of pay will be given to non-exempt employees for call-back situations in which an employee was

called back to work. If called back, compensation shall be paid for actual hours worked. Time spent traveling shall not be counted as hours worked and will not be compensable time. In the Police Department, any employee may be called back to duty, regardless of the hours assigned that employee, and will be paid according to the number of actual hours worked, with the exception of scheduled court appearances on off-duty time in which the minimum of two hours will be paid. Fire Department employees are subject to call-back at any time in an emergency and are required to leave word with the department as to how they may be reached when not on duty. Since their use of this time is not effectively restricted, this time is not considered compensable work time.

3.13 PAYDAYS

3.13.01 The pay period for the City is bi-weekly, twenty-six (26) times per year. If the payday falls on a Holiday, checks will be issued the last working day preceding the holiday. Paychecks will not be issued other than on the days set out above without the City Manager's approval.

3.14 CHECK DELIVERY/DIRECT DEPOSIT

3.14.01 Participation in the direct deposit program is mandatory for all City employees. Direct deposit is allowed for up to two different accounts at any financial institution that is part of the Federal Reserve System. Forms are available in the Human Resources Department for those who need to make changes to their direct deposit. Only two direct deposit changes are allowed per year unless approved by the City Manager. All changes must be reported at least one (1) week prior to beginning of the pay period of which the employee wishes the change to be effective. Exceptions will be made for extenuating circumstance only. Direct deposit paystubs are distributed to individual employees via electronic transmission. No salary advances or loans against future salary will be made to any employee for any reason.

3.14.02 Employees must bring any discrepancy in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to the Department Director's attention immediately upon discovery. If an employee does not understand how to figure his or her pay or how to read his or her paystub, help should be sought from the Finance Department after contacting the Department Director. Failure to report any discrepancy may result in disciplinary action.

3.15 PAYROLL DEDUCTIONS

3.15.01 The following deductions made from employees' pay checks are either required by Federal or state law or approved and authorized by the City Council.

A. Required Federal/state deductions:

1. Medicare;
2. Federal income taxes;
3. Social Security taxes (part-time employees only);
4. Court ordered child support; and
5. Any other deductions required by law.

B. Deductions approved by City Council:

1. Texas Municipal Retirement System contributions; and
2. The portion not paid by the City of group health/medical and life insurance premiums for employees and dependents.

A. Additional Allowable Deductions:

1. Voluntary deductions for 457 retirement plan contributions;
2. AFLAC premiums; and
3. Police and Fire Membership Association Dues.

3.15.02 If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Department the appropriate forms for communicating these changes.

3.16 APPROVING AUTHORITY

3.16.01 The City Manager is the approving authority for all payrolls and payroll transfers granted under the terms of these policies and the annual budget. The City Manager approves performance pay increases provided that funds have been specifically set aside for that purpose by the City Council. Any performance increases granted by the City Manager must be consistent with these policies and the annual budget.

City Council Meeting
July 5, 2016

Issue

Consider and/or approve the presentation of the Charter Review Commission (CRC) recommendations.

Staff Resource/Department

Andy Messer, City Attorney

Mack Reinwand, Assistant City Attorney (unable to attend)

Barbara Harless, Chair (unable to attend)

John Wideman, Vice Chair (unable to attend)

Susie Quinn, City Secretary

Background

The Murphy Charter requires Council to appoint a Charter Review Commission (CRC) at least once every 6 years to determine whether provisions of the Charter require revision, propose recommendations to the Charter, and report its findings and present recommendations to the City Council. The CRC held six Monday evening meetings (April 25, May 2, May 9, May 16, June 6, and June 13, 2016) reviewing the Murphy City Charter. A Town Hall meeting was held on June 13, 2016 asking for public input as well. Several suggestions were made and although the entire CRC was not 100% in favor of all the recommendations, a majority of the Commission approved the changes being presented. City Council may choose any of the recommendations to be submitted to the voters for the upcoming November 8, 2016 election.

Board Discussion/Action

Consider and approve the various CRC recommendations to the Charter to be written in proposition language and presented to City Council for further review and approval.

Attachments

- 2016 Charter Review Commission Working Draft
- Power Point presentation – Charter Review Commission

2016 CHARTER REVIEW COMMISSION WORKING DRAFT

HOME RULE CHARTER

FOR

THE CITY OF MURPHY, TEXAS

Originally Adopted February 7, 2004

**Proposed Amendments Submitted to and
Approved by the Voters of the City of Murphy
November 2, 2010**

**Amendments Declared Adopted
by Order of the City Council
November 15, 2010**

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**HOME RULE CHARTER
FOR
THE CITY OF MURPHY, TEXAS**

PREAMBLE

We, the citizens of Murphy, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, obtain the full benefits of local self government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Murphy, in Collin County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Murphy" with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE I

Form of Government and Boundaries

SECTION 1.01 Form of Government

The municipal government provided by this Charter shall be the "Council-Manager form of Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this state, and by this Charter, all powers of the City of Murphy (hereinafter referred to as the "City,") shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council," which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in this Charter, including the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

SECTION 1.02 The Boundaries

The citizens of the City of Murphy, Collin County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Murphy," with such powers, privileges, rights, duties, authorities and immunities as are herein provided. The City shall maintain an official map of its boundaries in accordance with state law.

SECTION 1.03 Extension and Reduction of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, or reduced by the disannexation of territory, irrespective of size and configuration, by the method hereinafter set forth:

(1) The City Council shall have the power by ordinance to fix the boundary limits of the City, to exchange area with other municipalities, and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed, in any manner provided by state law.

(2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City; and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(3) Whenever, in the opinion of the City Council, there exists within the corporate limits of the City any territory, either inhabited or uninhabited, not suitable or necessary for City purposes, or upon a petition signed by a majority of the qualified voters residing in said inhabited territory, the Council may, upon a public hearing and by ordinance duly passed, disannex said territory as part of the City. The City shall comply with all applicable procedural rules and notice requirements set forth in state law.

ARTICLE II

Powers of the City

SECTION 2.01 General Powers of the City

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and laws of the State of Texas it would be competent for this Charter specifically to enumerate.

SECTION 2.02 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, public improvements as authorized by state statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining streets, flood control and sanitary facilities, and water and storm drainage facilities, in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

SECTION 2.03 Eminent Domain

The City shall have the full power, right, and authority to exercise the power of eminent domain, within or without its corporate limits, when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner not prohibited by the Constitution and state law. The power of eminent domain hereby conferred shall include the right of the City to take the fee and/or easement in lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

SECTION 2.04 Miscellaneous Powers

The City shall have the power to, among others, establish, enact and maintain ordinances and promulgate regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with state statutes, and to establish, enact and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to contract and be contracted with, to buy, sell, lease, lease purchase, mortgage and/or manage property, to acquire property by donation or condemnation, and to control such property as its

interests require. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade, unless prohibited by state law. The City shall have all powers granted by any section of this Charter, together with all of the implied powers necessary to carry into execution such granted powers.

ARTICLE III The City Council

SECTION 3.01 Composition, Selection and Term

(1) The City Council shall be composed of a Mayor and six (6) Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each of the six (6) Council Members shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified. All of the City Council holding office at the time of passage of this Charter or any amendments to this Charter shall continue to hold their respective offices until the respective term for which they were elected expires.

(2) There shall be held in the City on the third Saturday in May, 2004, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for City Council Places 1, 2, 4 and 6. There shall be held in the City on the first Saturday in May, 2005, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for the Mayor and City Council Places 3 and 5.

(3) A majority of the full membership of the City Council shall be four (4) City Council members.

SECTION 3.02 Limitations on Terms

This Charter does not restrict or place limitations on the number of terms any one person may serve.

SECTION 3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, ~~a candidate for the Mayor and each City Council Member shall meet the following qualifications as also set forth in Section 5.02 of this Charter while in office:~~

(1) Shall be at least ~~twenty-one~~^{eighteen} (18²⁴) years of age at the time of the election for which they are filing;

Comment [MR1]: Approved 5/2

(2) Shall be a qualified voter; and

(3) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.

(4) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.

~~(5) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter. No Council Member shall hold any other City office or City employment while serving as Council Member.~~

Comment [MR2]: Approved 5/9

(6) Candidates for elective City offices shall file for office in accordance with the Texas Election Code and comply with all other City ordinances or resolutions that may be applicable.

Comment [MR3]: Approved 5/9

Unless otherwise provided, the term "qualified voter" in this Charter means a qualified voter residing in the City in accordance with the Texas Election Code.

Comment [MR4]: Discussed 5/16

SECTION 3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties when provided for in the annual City Budget and in accordance with the reimbursement policies adopted by the City Council.

Comment [MR5]: Approved 5/2

SECTION 3.05 Mayor, Mayor Pro-Tem ~~and Deputy Mayor Pro-Tem~~

Comment [MR6]: Approved 5/2

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. The Mayor may declare a local state of disaster and order the evacuation of all or part of the population from a stricken or threatened area.

Comment [MR7]: Approved 5/2

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council annually at the first meeting of ~~each Council after each election June~~ or as soon thereafter as practicable, but not later than the last business day of July ~~in the year that the election was held~~. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

Comment [MR8]: Approved 5/9

~~(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro Tem, and in this capacity shall have the rights conferred upon the Mayor.~~

Comment [MR9]: Approved 5/2

SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

(1) The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, incapacity, forfeiture of office, or removal from office, by any manner authorized by law.

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office shall may be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

Comment [MR10]: Approved 5/2

(3) Any person on the City Council who:

- (A) ceases to possess the required qualifications for office as set forth in Section 5-023.03 of this Charter, or
- (B) ceases to reside within the corporate limits or recently annexed territory of the City, or

- (C) is convicted of a felony, or of a misdemeanor involving moral turpitude, or
- (D) is convicted of violating any state laws regulating conflicts of interest of municipal officers, or
- (E) is in violation of any part of Article 14 of this Charter,

shall forfeit his or her office. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council member to be heard regarding forfeiture of office.

(4) If there is a vacancy in the office of Mayor, a new Mayor shall be elected by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code.

(5) A vacancy in the office of a Council Member, where the remaining unexpired term of the office is twelve (12) months or less, shall be filled by appointment by majority vote of the remaining members of the City Council by a person meeting the qualifications of the Charter to serve the remainder of the unexpired term. When the remaining unexpired term of the office is more than twelve (12) months, the vacancy shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election within one hundred twenty (120) days after such vacancies occur, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem ~~or Deputy Mayor Pro-Tem~~, the City Council shall elect a new Mayor Pro-Tem ~~or Deputy Mayor Pro-Tem~~ at the next regular meeting.

Comment [MR11]: Approved 5/2
 Comment [MR12]: Conflict correction based on deletion of 3.05(4)

(6) Vacancies filled by special election shall be for the remainder of the term that was vacated.

SECTION 3.07 Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council (which is composed of the Mayor and six (6) Council Members). Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Appoint and remove the City Secretary;
- (5) Adopt the budget of the City;
- (6) Collectively investigate into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (7) Provide for a Planning and Zoning Commission, a Board of Adjustment and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (8) Adopt and modify the official map of the City;
- (9) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;
- (10) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (12) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dilapidated buildings, dangerous structures, dangerous

buildings or buildings determined to increase the risk of fire hazard, and provide for the manner of their removal or destruction;

- (13) Fix and regulate rates and charges of all utilities and public services provided by the City;
- (14) Approve plats, unless the City Council votes to vest this authority exclusively in the Planning and Zoning Commission; and
- (15) Individually ask questions of the City Manager regarding City business. Individually ask questions of the department heads regarding items on the posted agenda. Any and all other inquiries to department heads or staff shall follow the City's Governance Policy.

SECTION 3.08 Prohibitions

- (1) Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his or her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected to the City Council.
- (2) Members of the City Council shall not in any way dictate the appointment, removal, or discipline of the City administrative officers or employees appointed by the City Manager or any of the City Manager's subordinates.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter and in accordance with the City's Governance Policy, the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 Meetings of the City Council

- (1) The City Council shall meet regularly at such dates and times as may be prescribed by ordinance or resolution, but not less frequently than once each calendar month to transact the business of the City.
- (2) Special meetings of the City Council shall be called by the City Secretary upon request of the Mayor, City Manager or three (3) Council Members. Special meetings shall be held and notice given in accordance with state law.
- (3) Except as provided by state law, all City Council meetings shall be open to the public and shall be held and notice given in accordance with state law.

SECTION 3.10 Quorum

Four (4) members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act.

SECTION 3.11 Conflict of Interest

Should any person on the City Council have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall disclose such interest to the other members of the City Council, and he or she is thereby prohibited from discussing or voting on the item, and shall not be considered as present and voting for the purposes of the tally. Council members who have a conflict of interest are considered present for purposes of constituting a quorum.

SECTION 3.12 Abstention

Should any person on the City Council choose to abstain from voting on any agenda item before the City Council, where no conflict of interest exists, the person's vote shall be deemed and recorded as a negative vote.

SECTION 3.13 Rules of Procedure

The City Council shall determine by ordinance, resolution, or otherwise, its own rules of order and business. The City Council shall provide that members of the public shall have a reasonable opportunity to clearly be heard at public hearings with regard to specific matters under consideration. In addition, the Council will provide reasonable opportunity for public comments concerning items not on the agenda. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

SECTION 3.14 Passage of Ordinances in General

(1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall read "Be it ordained by the City Council of the City of Murphy, Texas" Each proposed ordinance shall be introduced in the written or printed form required for adoption. Each and every ordinance shall contain a title or caption that identifies the subject(s) addressed in the ordinance. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to the public upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(2) Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every penal ordinance imposing any penalty, fine or forfeiture shall become effective only after having the descriptive title or caption of the same published at least one time after final passage in a newspaper designated as the official newspaper of the City.

(3) If a majority of the City Council present at a council meeting request that the ordinance title and caption or its entirety be read, it must be read.

~~SECTION 3.15 Emergency Ordinances~~

Comment [MR13]: Approved 5/9

~~(1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.~~

~~(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.~~

~~(3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.~~

~~(4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.~~

SECTION ~~3.46~~—15 Authentication, Recording, Codification, Printing and Distribution

(1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The City Council may maintain the codification of ordinances of the City. This codification shall be known and cited as "The Murphy City Code" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

(3) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and Charter amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

SECTION ~~3.47~~—16 Investigations by the City Council

The City Council, by an affirmative vote of at least four (4) members of the City Council, shall have the power to collectively investigate into the official conduct of any department, agency, office, officer, Council Member or employee of the City and to make, direct or supervise investigation(s) as to municipal affairs, and for that purpose, the City Council collectively shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the investigation. The City Council shall provide by ordinance the penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance. The Council may produce its findings publicly.

SECTION ~~3.48~~—17 Bond

The City Council may require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds may be determined by the City Council and the cost shall be borne by the City.

ARTICLE IV City Administration

SECTION 4.01 City Manager

(1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications, and shall have previous city manager or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall within a reasonable time after such appointment reside within the City during the balance of the tenure of his or her appointment.

(2) The City Council shall fix the compensation of the City Manager and the City Manager's compensation may be amended, by the City Council, from time to time, in accordance with the City Manager's experience, qualifications and performance.

(3) The City Manager shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Manager), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Manager, written notice of such decision shall be immediately furnished to him or her.

(4) In case of the absence, disability, incapacity or suspension of the City Manager, the City Council may designate a temporary qualified administrative officer of the City to perform the duties of the office.

(5) The City Manager shall:

(A) Appoint, suspend, discipline and/or remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant thereto;

(B) Establish administrative departments;

(C) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;

(D) Ensure that all state laws and city ordinances are effectively enforced;

(E) Attend all City Council meetings with the right to take part in discussion, but the City Manager shall not vote;

(F) Prepare, accept and, designate, or delegate an appropriate department head or City employee to prepare, accept and designate, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;

(G) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;

(H) Keep the City Council fully advised and informed at least quarterly, or at the request of individual City Council Members, as to the financial conditions and future needs of the City, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary;

(I) Make reports as the City Manager or the City Council may require concerning the operations of the City departments, offices or agencies subject to the City Manager's direction or supervision; and

(J) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter and state or federal law.

SECTION 4.02 City Secretary

(1) The City Secretary shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Secretary), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Secretary, written notice of such decision shall be immediately furnished to him or her.

(2) The City Council shall fix the compensation of the City Secretary, and the City Secretary's compensation may be amended by the City Council, from time to time, in accordance with the City Secretary's experience, qualifications and performance.

(3) The City Secretary shall:

(A) Give notice of all public meetings and public hearings of the City Council in a manner consistent with this Charter and state laws;

(B) Attend all public meetings and hearings of the City Council;

- (C) Keep the minutes of the proceedings of all public meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;
 - (D) Act as custodian of all official records of the City Council;
 - (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
 - (F) Authenticate by signature and seal and record all ordinances, resolutions and proclamations of the City; and
 - (G) Perform such other duties as may be required by the City Council consistent with this Charter and the laws of the State of Texas.
- (4) In case of the absence, disability, incapacity or suspension of the City Secretary, the City Council may designate a temporary qualified employee of the City to perform the duties of the office.

SECTION 4.03 Municipal Court

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by state law.
- (2) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council such Municipal Judge(s) and Alternate Municipal Judge(s) of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and shall remain in office after the end of that term until the City Council considers appointment for the subsequent term. The Municipal Judge(s) may be appointed to additional consecutive terms upon completion of his/her/their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (3) The Clerk and Deputy Clerks of the Municipal Court(s) shall be appointed and supervised by the City Manager, and the Clerk and Deputy Clerks shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).
- (4) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future laws.
- (5) The City Prosecutor(s) of the Municipal Court(s) shall be the City Attorney or their designee subject to the approval of the City Manager.

SECTION 4.04 City Attorney

- (1) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the City Attorney. The City's Governance Policy shall be applicable to this section if adopted by the City Council.
- (2) The City Attorney shall:
- (A) Serve as the legal advisor to the City Council and City Manager;
 - (B) Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and
 - (C) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
- (3) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and special counsel shall receive compensation as may be determined by the City Council.

(5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him and the City in its representation and/or litigation.

(6) The City Attorney may be removed, with or without cause, by the affirmative vote of a majority of the full membership of the City Council.

SECTION 4.05 Administrative Departments, Offices and Agencies

(1) The City Manager may establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.

(2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may appoint one (1) person as head of two (2) or more departments, offices or agencies and with the consent of the City Council, may serve as the head of one (1) or more City departments, offices or agencies.

(3) The City Manager may appoint a City Tax Collector, whose duties and functions shall be those usual to the office and consistent with existing or future laws of the State of Texas as they may apply to City or County tax collectors. The City Manager may recommend that the City Council enter into a contract for such services.

SECTION 4.06 Personnel System

(1) Personnel rules shall be prepared by the City Manager and presented to the City Council, who may adopt them with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. Thereafter, the City Manager shall have the power to recommend additions to, modifications of, or deletions from, such rules to the City Council in the same manner used for the adoption of the original rules.

(2) The adopted rules shall provide for the following requirements:

(A) A compensation plan for all City employment positions;

(B) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;

(C) Procedures for the hearing and adjudication of grievances;

(D) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system;

(E) A plan for annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, City Secretary, Municipal Judge and City Attorney by the City Council; and

(F) A clear and concise statement that all City employees are at-will employees.

ARTICLE V

Nominations and Elections

SECTION 5.01 City Elections

(1) All City elections shall be conducted in accordance with the Texas Election Code.

- (2) The City Council may, by resolution or ordinance, order a special election for purposes consistent with this Charter and laws of the State of Texas.
- (3) Municipal elections shall be conducted by election officials appointed by the City Council, or as prescribed by law. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.
- (4) All municipal elections shall be publicized in accordance with the Texas Election Code.
- (5) A sample ballot shall be published, printed, and made available on the official City website and at City Hall as required by law.

~~SECTION 5.02~~ Filing for Office

Comment [MR14]: Approved 5/9 – consolidated with 3.03

- ~~(1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.~~
- ~~(2) Candidates for elective City offices shall meet the following qualifications:~~
 - ~~(A) Shall be at least twenty one (21) years of age at the time of the election for which they are filing;~~
 - ~~(B) Shall be a qualified voter; and~~
 - ~~(C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.~~
- ~~(3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.~~
- ~~(4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.~~
- ~~(5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.~~

~~SECTION 5.03~~02 Official Ballots

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died, or become ineligible, and who are authorized to have their names removed from the ballot consistent with state law, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two (2) or more candidates have the same surname, their middle name or other identifier shall be printed with their names on the ballot.
- (2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.
- (3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.
- (4) An ordinance, bond issue or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- (5) Procedures for write-in votes shall be consistent with the Texas Election Code.

~~SECTION 5.04~~03 Official Results

- (1) The candidate for elective office receiving a majority of the votes cast shall be declared the winner. In the event that no candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code. At such

runoff election, the two (2) candidates receiving the highest number of votes (or three (3) persons in case of tie for second place) for any one place in the first election shall be placed on the runoff ballot for such election.

(2) The returns of every municipal election shall be handled in accordance with the Texas Election Code.

SECTION 5.05—04 Taking of Office

(1) Each newly elected person to the City Council shall take the oath of office and be inducted into office at the first regular City Council meeting following the election.

(2) At such meeting the oath of office shall be administered in accordance with state law.

**ARTICLE VI
Recall, Initiative and Referendum**

SECTION 6.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct or malfeasance in office.

SECTION 6.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) registered-qualified voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

SECTION 6.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the City Council, must be distinctly and specifically pointed to the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, said petition shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The petition shall contain, in addition to the signature, the signer's name, the signer's date of birth or voter's registration number, the signer's residence address and the date of signing. The signature shall be verified by oath in the following form.

"State of Texas

County of Collin

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature

Sworn and subscribed before me this ____ day of _____, 20____.

Signed _____

Notary Public in and for the State of Texas"

SECTION 6.04 Various Papers Constituting Petition

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this Article may be made by one (1) or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons. No signatures to such petition shall remain effective or be counted if they were placed on the petition more than forty-five (45) days prior to the filing of such petition or petitions with the City Secretary. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

SECTION 6.05 Presentation of Petition to the City Council

Within twenty-one (21) days after the date of the filing of the papers constituting the recall petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

SECTION 6.06 Public Hearing to be Held

The officer whose removal is sought may, within seven (7) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.07 Calling of Recall Election

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election shall be cancelled.

SECTION 6.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

(2) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

SECTION 6.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the officer named on the ballot, the officer shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such election be "Yes," that is, for the recall of the officer named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the City Council as provided in this Charter.

SECTION 6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

(3) Recall elections shall be held in accordance with the Texas Election Code.

SECTION 6.11 Failure of the City Council to Call a Recall Election

If all the requirements of this Charter shall have been met and the City Council fails to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

SECTION 6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget ~~or~~ capital program or any ~~emergency ordinance~~ ~~or~~ ordinance not subject to referendum as provided by state law.

Comment [MR15]: Conflict check based on deletion of 3.15

SECTION 6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) ~~registered~~ qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City

Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from ~~taking effect~~enforcement and shall not later ~~take effect~~be enforced unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

Comment [MR16]: Approved 5/2

SECTION 6.15 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote at any election, for adoption or rejection, any proposed ordinance, resolution or measure, or may submit for repeal any existing ordinance, resolution or measure in the same manner and with the same force and effect as provided in this Article for submission of a petition, and may at its discretion call a special election for this purpose.

SECTION 6.16 Form of Ballots

The ballots used when voting upon such proposed and referred ordinance, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: "For the Ordinance" or "Against the Ordinance" or "For the Resolution" or "Against the Resolution."

SECTION 6.17 Publication of Proposed and Referred Ordinances

The City Secretary shall publish, print and make available on the official City's website and at City Hall, the caption or a summary of the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

SECTION 6.18 Adoption of Ordinances

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon or at any time fixed therein, become effective as a law or as a mandatory order of the City Council.

SECTION 6.19 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

SECTION 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

[If an ordinance or resolution adopted by popular vote under the provisions of this Article is directly challenged and declared to be unconstitutional, preempted, or otherwise unenforceable by a court of final jurisdiction, the City Council, upon its own motion and by the affirmative vote of at least three-fourths of the full membership of the City Council, may repeal the ordinance or resolution.](#)

Comment [MR17]: Revised language approved 5/16/16

SECTION 6.21 Further Regulations by the City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

SECTION 6.22 Franchise Ordinances

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of this Charter pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

SECTION 6.23 Failure of the City Council to Call an Initiative or Referendum Election

If all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

**ARTICLE VII
Financial Procedures**

SECTION 7.01 Fiscal Year

The fiscal year of the City shall begin on the first day of October and end on the last day of September on the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

SECTION 7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The budget shall comply with and contain such information and itemization, as may be required by state law.

Comment [MR18]: Approved 5/2/16

SECTION 7.03 Budget Message

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City's debt position, and include such other material as the City Manager deems desirable.

SECTION 7.04 Budget a Public Record

The budget and all supporting schedules shall be filed with the City Secretary when submitted to the City Council and shall be open to public inspection by anyone interested. When the notice of public hearing on the budget is posted, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.05 Public Hearing on Budget

At the City Council meeting when the budget is submitted, the City Council shall designate the date, time and place of a public hearing which shall be published, printed, and made available on the official City website and at City Hall as required by law. At this hearing, interested persons may express their opinions concerning the budget, including items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

SECTION 7.06 Proceeding on Adoption of Budget

After public hearing, the City Council shall analyze the budget, making any additions or deletions which they determine are appropriate, and shall, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted.

SECTION 7.07 Budget, Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for that budget year. Final adoption of the budget by the City Council shall constitute the official appropriations as proposed by expenditures for that budget year and shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

SECTION 7.08 Contingent Appropriation

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent (3%) of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation shall apply to current operating expenses and shall not include any reserve funds of the City. Such contingent appropriation shall be under the control of the City Manager and distributed by him only after prior approval by the City Council. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

SECTION 7.09 Amending the Budget

Under conditions which may arise, and for municipal purposes, the City Council may, by the affirmative vote of a majority of the full membership of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.

SECTION 7.10 Certification; Copies Made Available

A copy of the budget, as finally adopted, shall be filed with the City Secretary, such other places required by state law, and as the City Council shall designate. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies, interested persons and civic organizations. Additionally, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.11 Capital Program

The City Manager shall submit a five (5) year capital program as an attachment to the annual budget. The program as submitted shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing, and recommended time schedules for each improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 7.12 Defect Shall Not Invalidate the Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

SECTION 7.13 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of

any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

SECTION 7.14 Borrowing

(1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.

(2) Emergency Funding:

In any budget year, the City Council shall have full powers authorized by law to borrow money in response to an emergency. Notes may be issued which are repayable not later than the end of the current fiscal year.

SECTION 7.15 Purchasing

(1) The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

(2) All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be awarded by the City Council, in accordance with state law.

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, ~~without competitive bidding, and in accordance with state law. Such emergency shall be declared by the City Manager~~ ~~Mayor and approved by the City Council, or may be declared by the City Council.~~

(4) Spending, purchasing, and sale of real or personal property guidelines shall be set by policy approved by the City Council and shall be consistent with state law.

Comment [MR19]: Approved 5/9/16

SECTION 7.16 Administration of Budget

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, first confirms that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to the City for any amount so paid.

(3) This prohibition shall not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

(4) The City Manager shall submit to the City Council as often as the City Council may request, but not less than once a quarter a report covering the revenues and expenditures of the City in such form as requested by the City Council.

SECTION 7.17 Depository

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and state law.

SECTION 7.18 Independent Audit

At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant in accordance with state law. No more than five (5) consecutive annual audits shall be completed by the same accountant or accounting firm. The certified public accountant selected shall have no direct or indirect personal interest in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary shall be published within thirty (30) days in the official newspaper of the City, shall be posted on the official City Website, and copies of the audit placed on file in the office of the City Secretary, as a public record.

SECTION 7.19 Power to Tax

(1) The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas. The City shall designate or contract for a Tax Collector for the City.

(2) The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

SECTION 7.20 Taxes; When Due and Payable

(1) All taxes due in the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January 1 in an amount not to exceed those established by the laws of the State of Texas.

(2) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

SECTION 7.21 Tax Liens, Liabilities and Suits

(1) All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

(2) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

ARTICLE VIII Boards and Commissions

SECTION 8.01 Authority, Composition and Procedures

(1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(2) Individuals who are qualified voters in the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council, except for the members of the Board of Adjustment, who may be removed only for cause. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.

(3) All boards, commissions or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

(4) No officer or employee of the City nor any person who holds a compensated appointive position with the City shall be a member of any board, commission or committee created or established by state law or this Charter other than in an advisory and/or ex officio capacity except as allowed by state law.

~~(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty five percent (25%) of regularly scheduled meetings during the twelve (12) month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.~~

Comment [MR20]: Approved 5/2/16

ARTICLE IX Planning and Zoning Commission

SECTION 9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified ~~City~~-voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

(2) The Commission shall meet regularly at such dates and times as may be prescribed by ordinance, resolution or order. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

(3) Four (4) voting Commission members shall constitute a quorum for the purpose of transaction of business.

SECTION 9.02 Duties and Powers

(1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:

- (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
 - (C) Keep public records of its resolutions, findings and determinations; and
 - (D) Review plats, site plans, landscape plans, and zoning requests and make recommendations to the City Council for their final approval of same.
- (2) The Commission shall have full power to:
- (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
 - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City; and
 - (C) Approve plats, site plans and landscape plans if it has been given that authority by the City Council.

SECTION 9.03 Procedure

(1) All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council for consideration.

(2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he or she shall openly declare same before discussion proceeds, file any required affidavit, disclose such interest to the other members of the Commission, and he or she shall thereby be prohibited from discussing and voting on the item, and such person is not considered as present and voting for the purposes of the tally of votes. Commission Members who have a conflict of interest are considered present for purposes of constituting a quorum.

(3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote.

SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect

(1) The Comprehensive Plan shall include, but not be limited to, the Future Land Use Plan, the Thoroughfare Plan, and Parks and Open Space Plan. The Commission shall seek input from all appropriate boards and commissions in the development of the Comprehensive Plan. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution, but before any such revision, the Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed action.

(2) A copy of the proposed revisions to the Comprehensive Plan shall be forwarded to the City Manager who shall submit the proposal to the City Council, together with the City Manager's recommendations, if any. The City Council shall hold a public hearing and shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the City Manager. If the proposed revisions or any part thereof are rejected by the City Council, the City Council may request the Planning and Zoning Commission to make other modifications and again forward it to the City Manager for submission to the City Council.

(3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide for all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial of the request to deviate from the Comprehensive Plan, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of a majority of the full membership of the City Council, and upon such overruling, the City Council or the appropriate office or department shall have authority to proceed.

SECTION 9.05 Board of Adjustment

(1) The City Council shall appoint a Board of Adjustment. The City Council shall, by ordinance, provide standards and procedures for such Board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would create a hardship and prevent the reasonable use of land, and such other matters as may be required by the City Council or by law. Appointment and removal of members of the Board of Adjustment shall be in accordance with the provisions of Article VIII, Sec. 8.01 (2) of this Charter and state law.

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified [city](#) voters.

(3) Each case before the Board of Adjustment shall be heard by not less than seventy-five percent (75%) of the members. The concurring vote of seventy-five percent (75%) of the members shall be required to reverse an order, requirement, decision or determination of an administrative official; decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or authorize a variation from the terms of the zoning ordinance.

ARTICLE X Utility and Public Service Franchises

SECTION 10.01 Authority

The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City shall not supply any utilities service outside the City limits, except by a written contract and/or by ordinance. The City shall have such regulatory and other power as it may now or hereafter be granted under the Constitution and laws of the State of Texas.

SECTION 10.02 Ordinance Granting Franchise

Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as required by the City Council. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the Charter. If such franchises shall not be exercised in substantial accordance with the terms hereof and of the ordinance granting the same, the franchise may be cancelled or annulled after notice and reasonable hearing to the holders thereof. The City Council shall by ordinance adopt reasonable rules and regulations for the notice and hearing. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

SECTION 10.03 Transfer of Franchise

No public service or utility franchise is transferable, except with the approval of the City Council. No public service or utility franchise may be sold, transferred, assumed or otherwise assigned without the prior written consent of the City Council.

SECTION 10.04 Franchise Value Not to be Allowed

Franchises granted by the City shall be of no monetary value used to calculate rates and charges for public services or utilities within the City or in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

SECTION 10.05 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered included in the terms of the original grant of franchise and shall be terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility as may be allowed by law;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal of facilities;
- (8) To require the franchisee to furnish to the City, within a reasonable time following request of the City, at franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction, if allowed by law; and
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

SECTION 10.06 Regulation of Rates

- (1) The City Council has the power to determine and regulate the rates and charges of all utilities and public services, consistent with state statutes.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
 - (A) Cost of its investment for service to the City;
 - (B) Amount and character of expenses and revenues connected with rendering the service;
 - (C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or

(D) Demonstration that the return on investment, if any, is within state and federal limitations.

(4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 10.07 Placement of Wires, Etc., Underground

To the extent authorized by law, the City Council may require the placing of all wires or the overhead construction of public utilities under the surface of the ground within the business area, fire zones, industrial areas, or any other area of the City as it may deem necessary or desirable, under the surface of the ground under such regulations as may be prescribed by the City Council.

ARTICLE XI

General Provisions

SECTION 11.01 Public Records

All records of the City shall be open to inspection subject to state law.

SECTION 11.02 Official Newspaper and Website

The City Council shall declare by resolution or ordinance an official newspaper of general circulation in the City and the official City Website. All ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas shall be published in the official newspaper and on the official City Website.

SECTION 11.03 Oaths

All elected and appointed officers of the City, before entering into the duties of such office, shall take and sign an oath of office as prescribed for state elective and appointive offices in the Constitution of the State of Texas.

SECTION 11.04 Severability

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

SECTION 11.05 Wording Interpretation

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word "City" in this Charter shall mean the City of Murphy, Texas, and the use of the word "Charter" shall mean this Home Rule Charter.

SECTION 11.06 Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas, or by the City Council on its own motion, but the Charter may not be amended more often than once every two (2) years.

SECTION 11.07 Charter Review Commission

(1) The City Council shall appoint a Charter Review Commission at least once every six (6) years. The Charter Review Commission shall consist of at least eleven (11) citizens of the City who shall:

(A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records;

(B) Propose any recommendations it deems desirable to ensure compliance with the Charter; and

(C) Report its findings and present its recommendations to the City Council.

(2) The City Council shall receive and have published in the official newspaper and website of the City a comprehensive summary of the report presented by the Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.

(3) The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

SECTION 11.08 City Depository

The provisions of the laws of the State of Texas governing the selection and designation of the City Depository are hereby adopted as the law governing the selection and designation of a depository of and for the City.

SECTION 11.09 Licenses

The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

SECTION 11.10 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.

Comment [MR21]: Approved 5/2/16

ARTICLE XII Legal Provisions

SECTION 12.01 Assignment, Execution and Garnishment

(1) Real and personal property belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.

(2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this State or the United States of America.

SECTION 12.02 Security and Bond

It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 12.03 Notice of Claim

(1) The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages ("Claimant") shall, within one hundred eighty (180) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Secretary a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by the claimant to have seen the incident.

(2) The City shall not be held liable and shall not have waived its immunity from suit on account of any claim for breach of contract unless the person making such complaint ("Claimant") shall, within thirty (30) days after the time at which it is claimed such breach of contract by the City occurred, file with the City Secretary a written statement, under oath, stating each breach of contract, the place where same occurred, the date of each breach, with a detailed statement of each item of damages, and a list of witnesses having knowledge of any breach.

(3) No claim against the City may be brought by a Claimant prior to Claimant having engaged in non-binding mediation pursuant to Chapter 154, TEXAS CIVIL PRACTICE AND REMEDIES CODE, before bringing suit or an arbitration proceeding. Such mediation must occur within sixty (60) days after Claimant has filed with the City Secretary a written statement as set forth in this section 12.03 above regarding Notice of Claim. Claimant is responsible for scheduling mediation at a mutually agreeable date and time.

SECTION 12.04 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes.

SECTION 12.05 Service of Process against the City

All legal process against the City shall be served upon either the City Secretary or the City Manager.

SECTION 12.06 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

SECTION 12.07 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

SECTION 12.08 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter or state law for local improvements for the public welfare.

SECTION 12.09 City Council May Require Bonds

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his or her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

SECTION 12.10 Disaster Clause

In case of disaster where a portion of the City is located wholly or partly in a disaster area declared by the president of the United States or the governor, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries as a result of the disaster, the surviving members of the City Council, highest surviving City official, and the City's emergency management coordinator ~~County Judge of Collin County or his/her designee~~, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and within fifteen (15) days of such disaster call a City election to be held as soon as practicable ~~within fifteen (15) days of such disaster~~, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

Comment [MR22]: Revised language approved 5/16/16

SECTION 12.11 No Waiver of Immunity

Nothing in this Charter is intended to waive the City's governmental immunity from suit, liability and/or damages.

**ARTICLE XIII
Transitional Provisions**

SECTION 13.01 Effective Date

This Charter or any amendments hereto shall take effect immediately following adoption by the voters, as prescribed by state law.

SECTION 13.02 Continuation of Elective Offices

Upon adoption or amendment of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted or amended, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

SECTION 13.03 Continuation of Operation

All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.

SECTION 13.04 Officers and Employees

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption or amendment.

ARTICLE XIV

Nepotism, Prohibitions and Penalties

SECTION 14.01 Nepotism

Comment [MR23]: Approved 6/6/16

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by, ~~or~~ contracted with, or appointed as a member of a board or commission of the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, ~~or~~
- (2) Any person, other than a member of a board or commission, who serves in an unpaid capacity with the City.

SECTION 14.02 Equality of Rights

Equality of rights under state and federal law shall not be denied, abridged or compromised with respect to appointment to or removal from any position.

SECTION 14.03 Wrongful Influence

No person who seeks appointment or promotion with respect to any City position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any City position.

SECTION 14.04 Wrongful Interference

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.

SECTION 14.05 Employee's Political Activities

No person who holds any compensated non-elective City position shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any candidate for public office in the City. Such person may exercise his/her legal rights to participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.

SECTION 14.06 Penalties

Any person who willfully engages in and is found in violation of any of the activities prohibited in Sections 14.02, 14.03, 14.04 or 14.05 of this Article shall be ineligible for appointment or election to a position in the City for a period of five (5) years from that time. If the person is an officer or employee of the City at the time of the violation, he or she shall immediately forfeit his or her office or position, if found by a majority of the full membership of the City Council to be in violation of such prohibited activities.

SECTION 14.07 Conflict of Interest

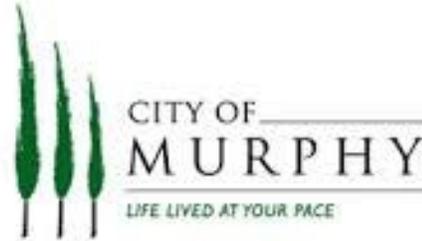
(1) All members of the City Council and all members of any board or commission of the City shall be subject to the provisions of Chapters 171 and 176 of the TEXAS LOCAL GOVERNMENT CODE regarding conflict of interest.

(2) Any willful violation of this section shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position.

(3) Any violation of this section with the knowledge, actual or constructive, of the person or corporation contracting with the governing body of the City shall render the contract or transaction involved voidable by the City Manager or the City Council by the affirmative vote of a majority of the full membership of the City Council.

SECTION 14.08 No Officer or Employee to Accept Gifts, Etc.

No elected official or employee of the City shall ever accept, directly or indirectly, any gift, favor or privilege of more than a nominal sum during the term of office of such elected official, or during the employment of such employee, and it was not given in exchange for any exercise of official discretion. The City Council shall adopt an ethics ordinance.



TOWN HALL MEETING

Summary of Recommended Changes to the City Charter

Charter Review Commission

June 13, 2016

Charter Review Commission

- Barbara Harless, Chair
- John Wideman, Vice Chair
- Chi Ekwuekwe
- Will Ewin IV
- Michelle Foley
- Bernard J. Grant
- James Holley
- Christine Johnson
- Jody Johnson
- Kevin McGillis
- Revis E. Smith

Charter Review Commission

- The City Council appoints a Charter Review Commission at least once every six (6) years.
- The Charter Review Commission consists of at least eleven (11) citizens of the City.
- Functions:
 - (A) Inquire into the operation of the City government under the Charter;
 - (B) Determine whether any Charter provisions require revision;
 - (C) Propose any recommendations it deems desirable to ensure compliance with the Charter; and
 - (D) Report its findings and present its recommendations to the City Council.

Reason for Review

- Review operations of city government and determine whether revisions are needed.
- The City Charter should be reviewed and updated periodically due to changes in state law and the state constitution.
 - State law and the constitution control when in direct conflict with the City Charter.
- Clarify existing provisions as needed to avoid conflicting interpretations.
- A general review for inconsistencies, clarification, and grammatical errors.

Proposed Timeline

- April – June 2016 - Commission Meetings
- June 2016 - Commission makes recommendations to City Council
- June – August 2016 - Council review Commission's recommendations and order Charter election
- Aug. 16, 2016 - Last regularly scheduled Council meeting before Aug. 22, 2016
- Aug. 22, 2016 - Last date for Council to order Charter election for Nov. 8, 2016 election
- The Charter election is held on a uniform election date – next available date is Nov. 8, 2016

Legal Requirements

- Charter may not be amended more often than every 2 years - *Ref. Murphy Charter, Sec. 11.06 and Tex. Cons. Art XI, Sec. 5 (b)*
- The City's last Charter election was November 2, 2010
- City Council has discretion to accept Commission's recommendations and to place different amendments on election ballot
- Charter amendments must be done in accordance with Election Law, have specific notice requirements, and specific ballot format (1 subject/1 question; "Yes" or "No")

Article III – The City Council

ARTICLE	PROVISION	AMENDMENT	NOTES
<p>III. CITY COUNCIL</p>	<p>3.03 Qualifications of City Council</p> <ul style="list-style-type: none"> • Qualifying age is 21 years of age • City employee must resign to run for office • “Qualified voter” not defined <p>3.04 Compensation</p> <ul style="list-style-type: none"> • Reimbursement for expenses <p>3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem</p> <ul style="list-style-type: none"> • Mayor authority • Mayor Pro-Tem election • Deputy Mayor Pro-Tem 	<ul style="list-style-type: none"> • Lower qualifying age to 18 years of age • City employee only required to resign only if wins election and takes office • Clarify that “qualified voter” is defined by state law • Requires the city budget to allocate for reimbursement of Council expenses and payments processed in accordance with City’s reimbursement policy • Include Disaster/Emergency Powers • Appointment vote must be held annually • Eliminate the position of Deputy Mayor Pro-Tem 	<ul style="list-style-type: none"> • Tex. Election Code 11.002; • Clarified throughout Charter <p>Gov’t Code 418.108-.1015 – Mayor declares disaster.</p>

ARTICLE	PROVISION	AMENDMENT	NOTES
III. CITY COUNCIL	<p>3.06 Vacancies, Forfeiture, and Filling of Vacancies</p> <ul style="list-style-type: none"> • Mandatory removal for vacancies • Council Member vacancy filled by special election <p>3.15 Emergency Ordinances</p> <ul style="list-style-type: none"> • Emergency Ordinances only require one reading before passage 	<ul style="list-style-type: none"> • Make removal discretionary • When the remaining unexpired term of a vacant Council Member’s term is 12 months or less, Council may appoint a qualified person to fill the position. If more than 12 months remain or when 2 or more vacancies exist at the same time, an election must be held to fill the vacancy. • Delete this Section 	<ul style="list-style-type: none"> • Because the Charter does not require 2 readings of ordinances, this Section is not necessary.

Article V – Nominations and Elections

ARTICLE	PROVISION	AMENDMENT	NOTES
V. Nominations and Elections	5.02 Filing for Office <ul style="list-style-type: none">• Qualifications for elective office	<ul style="list-style-type: none">• Delete this Section	<ul style="list-style-type: none">• This Section largely duplicates the provisions of 3.03 and can be merged into 3.03

Article VI- Recall, Initiative and Referendum

ARTICLE	PROVISION	AMENDMENT	NOTES
<p>VI. Recall, Initiative and Referendum</p>	<p>6.10 Restrictions on Recall</p> <ul style="list-style-type: none"> No recall petition can be filed within 6 months of election <p>6.14 Referendum</p> <ul style="list-style-type: none"> Resolutions are suspended from “taking effect” unless approved at a referendum election <p>6.20 Ordinances Passed by Popular Vote, Repeal or Amendment</p> <ul style="list-style-type: none"> Ordinance passed by petition or popular vote can only be repealed by another petition or popular vote 	<ul style="list-style-type: none"> Recall Elections must be held in accordance with the Texas Elections Code Resolutions are suspended from “enforcement” after petition is filed unless approved at referendum election Allow supermajority of Council to repeal ordinance if directly challenged and held unconstitutional by court of final jurisdiction 	<ul style="list-style-type: none"> Tex. Elections Code § 41 – recall elections are held on uniform election date

Article VII- Financial Procedures

ARTICLE	PROVISION	AMENDMENT	NOTES
VII. Financial Procedures	7.02- Submission of Budget and Budget Message <ul style="list-style-type: none">• City Manager submits budget to Council by August 10th	<ul style="list-style-type: none">• Require budget and approval process to comply with state law	<ul style="list-style-type: none">• Loc. Gov't Code § 102

Article VIII- Boards and Commissions

ARTICLE	PROVISION	AMENDMENT	NOTES
VIII. Boards and Commissions	3.06 Vacancies, Forfeiture, and Filling of Vacancies <ul style="list-style-type: none">Mandatory forfeiture of position for vacancies	<ul style="list-style-type: none">Delete this provision	<ul style="list-style-type: none">Council has exclusive authority to appoint and remove person from boards and commissions

Article XI- General Provisions

ARTICLE	PROVISION	AMENDMENT	NOTES
XI. GENERAL PROVISIONS	11.10 New: <ul style="list-style-type: none">• Sale of Liquor Prohibited in Residential Districts	<ul style="list-style-type: none">• The sale of liquor, as defined by the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described by the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.	<ul style="list-style-type: none">• Tex. Alcoholic Beverage Code § 109.31 MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

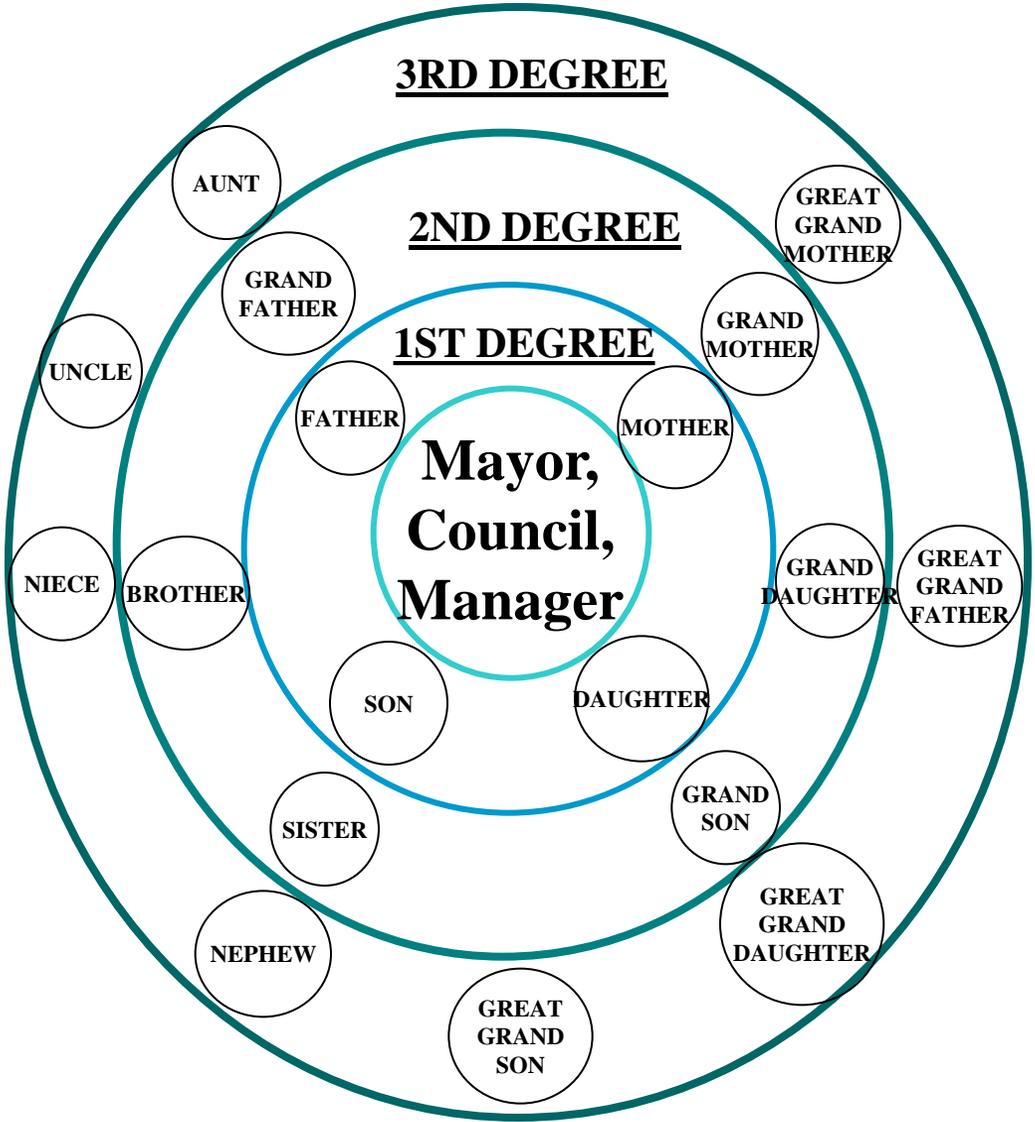
Article XII – Legal Provisions

ARTICLE	PROVISION	AMENDMENT	NOTES
<p>XII. Legal Provisions</p>	<p>12.10 Disaster Clause</p> <ul style="list-style-type: none"> • Emergency Succession 	<ul style="list-style-type: none"> • Clarifies that succession plan only occurs during federal or state declared disaster • Add City’s emergency management coordinator to appointment team and remove county judge from appointment team • Call election within 15 days instead of hold election within 15 days 	<ul style="list-style-type: none"> • Complies with Tex. Gov. Code 418. • Emergency and disaster provisions clarified to comply with state law throughout Charter (Sec. 3.05, 3.15, 7.15)

Article XIV – Nepotism, Prohibitions, and Penalties

ARTICLE	PROVISION	AMENDMENT	NOTES
<p>XIV. Nepotism, Prohibitions, and Penalties</p>	<p>14.01 Nepotism</p> <ul style="list-style-type: none"> No person related to the Mayor, Council Member, or City Manager (within 2nd degree by affinity or 3rd degree by consanguinity) may be employed or contract with the City or City’s corporate affiliate 	<ul style="list-style-type: none"> People related to Mayor, Council Member, or City Manager cannot be appointed to City Boards and Commissions. 	<ul style="list-style-type: none"> See next slide

Consanguinity Kinship Chart (Relationship by Blood)



Affinity Kinship Chart (Relationship by Marriage)

